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KERRY'S CRUCIBLE
William Greider

IRAQ'S PHANTOM SOVEREIGN
Jonathan Schell

THE OTHER AIDS DRUG CRISIS
Daniel Wolfe

DEBUNKING TOCQUEVILLE
Daniel Lazare

THE BEAT-BUSH BRIGADES

by JOHN NICHOLS

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LETTERS

'KINDA FONDA JANE' INDEED

We were pleasantly surprised by the response to our March 22 articles on Jane Fonda (Tom Hayden's "You Gotta Love Her" and Carol Burke's "Why They Love to Hate Her"), nearly a third of which came from veterans, who were evenly divided over whether to love or hate Fonda. Overall, positive mail outnumbered negative two to one. Of women who wrote in, 100 percent supported Fonda, then and now. —The Editors

Columbus, Ohio

■ Thanks for your articles on Jane Fonda. For thirty years I've wanted to thank her for her courage and sacrifice with regard to her anti-war commitment. Tell her this Vietnam veteran said "Thanks."

Peace: Bring it on! STEPHEN J. CULL

Jackson, Mich.

■ Thank you for the articles on Jane Fonda. I'm a Vietnam infantry veteran. I closed that whole chapter of my life, until last year. Then, like a volcano, I erupted—not in violence but in research and activity. I joined Vietnam Veterans Against the War, Veterans for Peace, Vietnam Veterans of America, Pax Christi and several other groups. I've learned much about war, peace, justice, politics, religion, law, geography, psychology, business, humanity and cultures. I'm learning every day. Please advise your authors to preface their comments about veterans with the word "some." Veterans are individuals. Some choose not to say anything. Some speak out. Some love the military. Some don't. Some love war. Some love peace. Some are homeless. Some are wealthy. The only universal that can be applied to veterans is that we all had military experience. ARNOLD STIEBER

Ft. Lauderdale, Fla.

■ Even if the story of Jane Fonda touring the "Hanoi Hilton" isn't true, the way she protested the war—by flying to North Vietnam and fraternizing with and letting herself be used as a propaganda ploy by the North Vietnamese—borders on treason. The Vietnam War represents the darkest chapter in American history, and the protesters against the war and the actions of Daniel Ellsberg probably helped save thousands of lives. They did this through political pressure, rallies, marches, etc. and are, in my mind, heroes. Had Fonda simply stayed home and protested the war in a more conventional and intelligent way, the military would not hold her in such contempt. MAGNUS RASMUSSON

Colebrook, Conn.

■ Yes, some vets hate Fonda. Most think she's a jerk or don't care. Few soldiers knew that Denise Levertov, an important American poet, visited North Vietnam. Probably all of them did know the music of Joan Baez, and many were singing it. A lot of soldiers didn't want to be in Vietnam any more than she wanted them to be there.

Jane Fonda went a lot further. While American soldiers and fliers were being shot at and killed, she sat on an antiaircraft gun near Hanoi wearing a helmet, watching the sky for the next American aircraft. It's not a fake photograph. No doubt, there are all sorts of cultural associations that attach to the transformation of that photograph into legend; no question that her celebrity as a high-status, sexy movie star fueled the transformation; no question that women are still a big problem for the insular, male military culture.

But Fonda offered herself for the role of international moral hero. The North Vietnamese made of her offering a successful propaganda coup. No surprise that US soldiers reacted badly. She had gone over to the enemy. And no surprise that she is now used by the American right as a symbol of the American left. TOM LEWIS

Amherst, Mass.

■ In evaluating attitudes toward Jane Fonda, one must recognize that in 1972 the Vietnam War was winding down, but the Women's Liberation Movement was gaining strength, challenging patriarchal control over women's lives and bringing to the surface male insecurities about changes in the established order. In the patriarchal belief system, the independence of women has always been the ultimate no-no.

Of course Fonda's stardom made her a target, but she came to be hated because she challenged the twin patriarchal orthodoxies—waging war and controlling women. Not only did she criticize patriarchal aggressive behavior from within the so-called enemy's camp; she also acted on her own outside patriarchal control (where was the man who was supposed to be keeping her in line?). MARY L. WENTWORTH

■ Maybe you have to be a woman of a certain age to take offense at the pillorying of Jane Fonda. As a woman who marched for peace in the 1960s and '70s, I was used to being attacked by classmates, family members and most famously Nixon, when he called all of us "bums." (As Fonda said, "Hello, fellow bums!")

To this day, I have never seen any public male attacked the way Fonda was. Nor, for that matter, any other woman. The sexist root of the attacks on her have always been apparent to me. It's to her credit that Fonda has never let her critics silence her and continues to be at the forefront of issues (most recently speaking out to draw attention to the many "disappeared" women of Juárez). Thank you for addressing this issue, and thank you to Fonda for blazing a trail that I'm sure inspired many but surely motivated me personally. DONA TAYLOR

STALE ANSWERS STOP HERE

Washington, DC

■ In his March 1 "An Idea Factory for the Democrats" Robert Dreyfuss mistakenly asserts that the Center for American Progress's reluctance to sign on immediately to well-worn policy positions somehow indicates timidity and equivocation on progressive principles. Nothing could be further from the truth. We are actively engaged in producing sensible policies on many issues of concern to progressives, including the role of religion in American life, reform of the Patriot Act, media concentration, military reform, universal healthcare, education and tax reform.

In doing so we will not adopt stale answers of the past, which would be strategically obtuse and politically counterproductive. We are not interested in rehashing old debates between centrists and populists that have hobbled progressives for far too long. Our fight is with the radical right controlling this country. We'll put our communications arm up against any conservative organization around. Our rapid response efforts consistently and effectively push back against the Bush Administration and its conservative allies on important issues ranging from jobs and the economy to national security and civil liberties—all within the twenty-four-hour news cycle.

Our Progress Report—distributed to more than 30,000 subscribers daily—routinely highlights and features solid progressive ideas from existing organizations and groups, including the Center on Budget and Policy Priorities, the Tax Policy Center, the Carnegie Endowment for International Peace, Citizens for Tax Justice, Demos, the Century Foundation, the Center for Public Integrity, the Economic Policy Institute, People for the American Way, the Institute for America's Future, MoveOn.org, *The American Prospect*—and yes, even *The Nation*.

We have co-sponsored a major progressive national security conference with the Century Foundation and *The American Prospect* to bring together disparate elements from the center to the left and collectively develop and articulate alternative security strategies for the nation.

In all these efforts, our goal is to generate and promote new ideas that can help build a viable progressive coalition that honors the diversity of opinions in our community while recognizing

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EDITORIALS

Turning Point in Iraq

When asked why the United States should not invade Iraq and overthrow Saddam Hussein, a prescient critic said, "Once you've got Baghdad, it's not clear what you do with it. It's not clear what kind of government you would put in place of the one that's currently there.... How much credibility is that government going to have if it's set up by the United States military when it's there?... I think to have American military forces engaged in a civil war inside Iraq would fit the definition of quagmire, and we have absolutely no desire to get bogged down in that fashion." The critic was none other than Dick Cheney, who made these comments as Defense Secretary in 1991, explaining the first Bush Administration's decision to end the Gulf War after Iraq had been expelled from Kuwait.

Now that he's climbed onto the neoconservative bandwagon in the second Bush Administration, Cheney seems to have forgotten his own wise counsel. As many predicted before the current war, the invasion and occupation have released explosive tensions and caused growing anti-US feeling. With the uprising of Muqtada al-Sadr's militia in at least seven cities, the unrest has spread from the Sunni minority to the Shiite population. The resistance calls into question the Administration's characterization of the war.

Before the invasion, the White House and its supporters promised that US troops would be greeted with flowers and candy. Instead, resistance was often fierce among the Sunnis, even though the bulk of Saddam Hussein's army abandoned the field. Then, as an insurgency took hold in the Sunni Triangle, a new explanation was concocted: Resistance was only from Baathist "dead-enders," or sometimes Islamist extremists from other countries. In fact, resentment of the occupation was never limited to Saddamists, or even to the Sunni population.

We have reached a critical turning point in the Administration's Iraq misadventure. The US Army, like most occupation forces, has generated a nationalist insurgency. Each act to suppress resistance—house-to-house searches, the shutting of an opposition newspaper and, the latest, the bombing of a mosque—has only fueled deeper resentment, even among Iraqis who welcomed the overthrow of Saddam. And the spurious promise to turn over sovereignty by June 30 is not taken seriously by Iraqis, who can see that Washington has no plans to end the military occupation or its control over the significant levers of power.

This turning point in Iraq calls for a change of direction in Washington, but both parties in Congress are demanding that we "stay the course," no matter the cost, even as the Pentagon announces an increase in troops. There are notable exceptions: Democratic presidential candidate Dennis Kucinich had the courage to point out that "this war and this occupation are a disaster." Senator Ted Kennedy thundered that "Iraq is George Bush's Vietnam," while Senator Robert Byrd said that a troop increase "will only suck us deeper into the maelstrom of violence."

Thirty-three years ago, John Kerry appeared before the Senate and asked, "How do you ask a man to be the last man to die in Vietnam? How do you ask a man to be the last man to die for a mistake?" He—all of us—should be asking similar questions now, as the number of US dead passes 600, with perhaps 10,000 Iraqis killed and no end in sight. Why does this Administration have no coherent exit strategy from a country where opposition to our presence is rapidly growing, and where increasing numbers are taking up arms to throw us out? Where is the accountability for an Administration that has led us into this quagmire?

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Bush, AIDS, Big Pharma

When George W. Bush announced a $15 billion Emergency Plan for AIDS Relief in his 2003 State of the Union address, he compared the fight against AIDS to the war on terrorism. Unfortunately, the analogy has proved apt. More than fourteen months and 3 million AIDS deaths later, the Administration's "war on AIDS" has been characterized by unilateralism, disregard for international consensus and corporate cronyism.

Rather than support existing and proven international programs to prevent and treat HIV/AIDS, the Bush plan has undercut and circumvented them at nearly every turn. It has reduced funding for the Global Fund to Fight AIDS, TB and Malaria from $550 million appropriated by Congress for 2004 to $200 million for 2005, a 64 percent reduction at a time when the fund desperately needs resources to make its fourth round of grants.

Although Bush quoted prices for generic versions of AIDS drugs in his announcement, in fact the first round of US grants under its PEPFAR program does not authorize the use of generics, instead favoring drugs from Western pharmaceutical companies at prices at least four times higher than the lowest-cost generics. Indeed, the Administration took the unusual step of calling a meeting of international health officials in Botswana to "debate" the safety and efficacy of fixed-dose combinations—generic drugs that combine several drugs in one easy-to-take pill. Such "medical" concerns, however, are merely an attempt to use sham science to protect Big Pharma—following earlier, failed attempts to use patent law to accomplish the same thing. Fixed-dose combinations have been screened and approved by the WHO in a rigorous prequalification process similar to the one used by the FDA to license fixed-dose combinations in the United States.

Fixed-dose generics are a crucial component of almost all international AIDS plans. For example, Médecins Sans Frontières has just launched an anti-retroviral treatment program at Bulawayo Hospital in Zimbabwe that uses fixed-dose combinations that cost $244 per patient, per year and require only two pills a day, purchased from Indian generic manufacturers. At the very same hospital, using the same treatment protocols and pharmacy, the Centers for Disease Control will launch a parallel program that, following Administration guidelines, will use six brand-name pills a day from three separate drug companies at a cost of $562 per patient, per year. By simply switching to fixed-dose generics, the United States could double the number of patients in treatment and reduce the number of pills, making compliance easier.

The Administration's latest move, however, may have generated an international backlash. The Botswana meeting was boycotted by European health experts and decried by nongovernmental agencies, including the Catholic Relief Services Consortium, one of the current PEPFAR grantees. Even Richard Holbrooke, who represents 140 multinationals on the Global Business Coalition on HIV/AIDS, scolded Bush officials, saying that US protection of Big Pharma was "tearing apart all the good work that people are doing." The Clinton Foundation, UNICEF, the World Bank and the Global Fund have just announced a collaborative initiative to buy massive quantities of fixed-dose

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COMMENT

generics for as low as $140 per person, per year as part of the WHO's plan to treat 3 million people with AIDS by 2005. The international community is behind it, but the success of this plan largely depends on the Bush Administration. Will it pony up the US fair share of funding and authorize the use of generic drugs, or will it continue its go-it-alone, pro–drug industry policies?

Kerry's Crucible

ELECTION MATTERS

John Kerry is borne aloft by party unity and the overriding imperative of defeating Bush, but the senator has entered a perilous zone where the outcome may depend more on the content of his character. During the next few months, Kerry must somehow fend off the smears and caricatures broadcast by Bush's attack machine and, at the same time, define himself in more convincing terms for the broad audience of voters, many of whom know little or nothing about him. Who is John Kerry? What does he believe about the country? What do people get if they elect him?

So far, the candidate has been nimble and smart about counterpunching, issue by issue. A monthlong blitz of negative TV ads (with almost daily slurs from the Cheneyman) took a modest hit on Kerry's ratings, but nothing that can't be overcome. His performance on the second half of the challenge—defining John Kerry—seems weaker, with dismaying echoes of Clinton/Gore. I hope that judgment is premature, but the candidate does not have all summer to craft a compelling self-portrait. It's forming right now in the public mind and sounds more wonkish than inspiring.

Kerry, for instance, proposed to reform corporate taxation—closing the loophole by which American multinationals avoid US taxes by holding profits offshore—as a way to encourage job creation at home. The increased revenue would be used to finance tax credits for businesses, large and small, for hiring new employees. The money would also be used to reduce the corporate income-tax rate slightly, plus a one-time tax amnesty for offshore tax avoiders. "Some may be surprised to hear a Democrat calling for lower corporate tax rates," Kerry said in Detroit before addressing a rally of auto workers, hoping to inoculate himself against the Republican stereotype of an ardent liberal raising taxes.

The loophole reform is itself a worthy idea—more ambitious than anything Bill Clinton ever attempted—but the cuteness of the overall package reminds one of Clinton's habit of always trying to have it both ways. Do something symbolic for the folks worried about globalization—but not so much that it will upset the corporations. Beyond an expression of sympathy, the tax package does little or nothing to reverse the deindustrialization ravaging manufacturing and some service sectors. Reducing tax avoidance might have some slight impact many years from now, but even that's a stretch. The artfulness—and political emptiness—recalls Al Gore's "lockbox."

Kerry, in fact, has assembled the old crowd from the Clinton White House to cook up such ideas. His economic team is led by investment banker Roger Altman, Clinton's Deputy Treasury Secretary, and the ubiquitous Gene Sperling, the Clinton economic adviser who shared his views with many of the Democratic contenders (even Howard Dean). Since White House days, Sperling has associated himself with Brookings, the Council on Foreign Relations, the Center for American Progress and, yes, the Democratic Leadership Council. "A Kerry Team, A Clinton Touch," said the headline on a Sunday feature in the *New York Times*.

So far, the team appears to be following the same playbook—

CALVIN TRILLIN

I Can't Appear Without My Nanny Dick

(George W. Bush explains the interview arrangements he's made with the 9/11 Commission)

When called upon to testify
I said I was a busy guy
So maybe we could do it on the phone.
They really want a face to face.
I said, OK, if that's the case,
I'm certainly not doing it alone.

I can't appear without my Nanny Dick.
For Nanny Dick I've got a serious jones.
I can't appear without my Nanny Dick.
I love the way he cocks his head and drones.

Cartoonists show me as a dummy,*
With voice by Cheney (or by Rummy).
I am the butt of every late-night satirist.
But I just can't go solitaire.
I need the help that's due an heir.
I need a dad, and dad's a multilateralist.

I can't appear without my Nanny Dick.
He brings along a gravitas I lack.
I can't appear without my Nanny Dick—
The one who knows why we attacked Iraq.

Yes, Condi Rice is quite precise
With foreign policy advice
On who's Afghani and who's Pakistani.
I like to have her near in case
I just can't place some foreign face,
But Condoleezza Rice is not my nanny.

I can't appear without my Nanny Dick.
I wouldn't know which facts I should convey.
I can't appear without my Nanny Dick.
It's Nanny Dick who tells me what to say.

*Though Charlie McCarthy's the dummy
Whose name has been most often heard,
Some folks who remember that act say
I'm closer to Mortimer Snerd.

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COMMENT

center-right and investor-friendly—that turned Al Gore into a formless pudding during the 2000 campaign. "This group is consulting literally daily with Bob Rubin," Altman gushed. Former Treasury Secretary Rubin gave us NAFTA and other free-trade milestones that led to the jobs hemorrhage.

The Kerry team, according to the *Times*, includes four other investment bankers. That's no doubt comforting to Wall Street donors, not so comforting to less-powerful constituencies. Sperling has already proclaimed in various articles "a new consensus on free trade" (this will be news to Kerry's labor supporters). In an "open memo" to the Democratic nominee on "How to Be a Free Trade Democrat" (published in *Foreign Policy* before Kerry locked up the nomination), Sperling sounded a lot like the DLC or even the Business Roundtable. "You must counter any notion that most of the job loss and economic dislocation in the United States flows directly from recent trade policies," he warned. In addition to defending the status quo, Sperling proposed old policy palliatives (some more than twenty years old) for assisting workers and communities after they are whacked by closed factories and lost jobs. "You are never going to make dislocation pleasant, but you can and must make it less traumatic," Sperling advised. Imagine the throngs of unemployed machinists and software engineers turning out the Kerry vote to win "less traumatic" dislocations.

Kerry, of course, is not responsible for what his advisers think, but he'd better get a second opinion before he signs off on Sperling's "new consensus" or Rubin's bond-market economics. It may be too late—Kerry's second "jobs first" speech was a Clintonesque reprise on why "fiscal discipline" must come first. This is not 1992. Their ideas do not speak to this political moment. If Kerry is to defeat Bush, it must be done in the industrial Midwest, where job losses are most severe. Kerry wins by carrying Ohio and Missouri, plus a few Western states Bush won in 2000. For this, he needs not more sophisticated waffling but gut-level intensity.

Kerry doesn't need a comprehensive reform plan. His sincerity will be conveyed by saying something like this: "A lot of people are asking how America can sustain its middle class if we keep losing so many good jobs overseas. That's a good question, and I intend to find the right answers. There will be no more free-trade agreements until I succeed."

This is the test of character he faces: Which John Kerry is running for President? The cautious and conventional senator who has always championed free trade, or the comeback politician who plays to win and will do whatever it takes? The choice cannot be left to policy advisers. WILLIAM GREIDER

The Trouble With 527s

What should be done about 527s—those new organizations used primarily by Democrats (so far) to skirt the McCain-Feingold legislation passed in 2002? Republicans and Democrats have been tussling over this for months, with the GOPers ludicrously pretending to be the voice of reform and clean government. But what the fate of 527s should be is no easy question. And the dispute may not be resolved immediately—a good thing for Democrats and perhaps even the right decision.

First, some history. When Congress passed McCain-Feingold, advocates of true reform—as well as Democratic partisans—had reason to worry. The measure included a much-needed provision prohibiting the donation of "soft money" to political parties. For years, corporations and unions had been cutting six- and seven-figure checks to both major parties. Wealthy individuals—limited to $1,000 donations to candidates—had been doing the same. These contributions became party slush funds for the benefit of particular candidates. The soft-money scam undermined the intent of campaign law: to prevent an individual or entity from buying access to or favors from elected officials. But the price for the soft-money ban was high: Republicans insisted on doubling the amount of permissible hard-money contributions—the much smaller donations that individuals send directly to a candidate.

With soft money zeroed out and hard-money limits raised, it wasn't too hard to foresee what McCain-Feingold would yield: Republicans raking in the hard money, and Democrats scrambling. In recent years Democrats and Republicans were nearly even in bagging soft money, but the GOP, with its appeal to high-income donors, greatly outpaced the Democrats in hard-money donations. As of late March, the George W. Bush campaign had a $108 million cash advantage over John Kerry's.

Seeing the hard-money writing on the wall, Democratic activists in late 2002 began pulling together an assortment of groups unconnected to the party or any candidate. These 527 outfits (named after a provision in the tax code) could accept soft money and run the sort of ads previously produced by the Democratic Party—spots that would attack Bush and hail the attributes of the Democratic nominee without specifically recommending a vote for anyone. Since under the law they are not permitted to coordinate their efforts with the party or the Kerry campaign, they have been dubbed the "Democratic shadow party" [see "The Beat-Bush Brigades" on page 11]. Naturally, Republicans complained.

In March the GOP, usually looking to sabotage campaign finance reform, asked the Federal Election Commission, which is considering new rules for 527s, to determine that the anti-Bush 527s—including the Media Fund, America Coming Together and MoveOn.org—have been illegally coordinating their actions with the Kerry campaign. Several of these groups are managed by people with past ties to the Democratic Party and the Kerry campaign. But are such links the same as coordination? The Democrats, of course, say there's no coordinating going on. But the need to render such a determination shows that complex campaign finance laws are open to legal manipulation, if not to abuse.

The GOP complaint was a move to score PR points and protect its financial advantage. It even asked the FEC to dismiss its complaint immediately, so it could appeal to the courts for faster action. Meanwhile, the FEC has before it proposed rules for 527s that are so broad they would prevent nonprofit organizations that rely on tax-exempt funding from commenting on proposed policies of an elected federal official. More than 400 charitable groups have rightfully opposed the proposed rules.

The subject of 527s, however, should be addressed. Fred Wertheimer, a longtime campaign reform advocate who wants to see the new 527s wiped out immediately, is right when he says that if

(Continued on Page 24)

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JONATHAN SCHELL

The Phantom Sovereign

The Iraqi struggle for independence from American rule has begun in earnest. US forces there now face a double insurrection—one part Sunni Muslim, the other Shiite Muslim—that threatens at the same time to turn into a civil war. Only the Kurdish north is quiet. With these events, US policy on Iraq has taken leave of reality as thoroughly as America's claims regarding weapons of mass destruction did before the war. The policy was declared on November 21, when Paul Bremer, head of the Coalition Provisional Authority, announced that on June 30 of this year the "occupation of Iraq will end," and Iraq will then enjoy "sovereignty." Since then, news commentators and officials have habitually told the public that on that date the United States "will hand over...sovereignty to the Iraqi people" (in the words of Dan Senor, a senior adviser to the CPA), who will then enjoy what is commonly called an "interim Constitution." Every word of these short phrases is based on assumptions radically at odds with the facts.

1. "Sovereignty." According to Webster's, sovereignty is "supreme power, especially over a body politic." But it is no longer possible, if it ever was, to argue that the United States and its allies wield "supreme power" in Iraq. True, US forces can go where they like, but do they rule? Do the Iraqi people obey them? When the American authorities order something to happen, does it? On the contrary, none of the US plans for running the country announced by the Bush Administration have so far even been enacted, much less succeeded. Even now, GOP Senator Richard Lugar, chairman of the Senate Foreign Relations Committee, has said that he has no idea what the plans for the June 30 transition are.

Iraqi political figures, by contrast, have been making a lot happen. According to the always invaluable (and now winner of a Pulitzer prize) Anthony Shadid of the *Washington Post*, the most popular of the Shiite leaders, the comparatively moderate Ayatollah Ali al-Sistani, launched a petition against the US-sponsored "Constitution." The petition quickly gathered tens of thousands of signatures. This peaceful opposition to American rule, however, was quickly superseded, at least for the time being, by the Shiite insurrection, led by the extreme Islamist Muqtada al-Sadr.

The Iraqi blogger Zayed, until now pro-occupation, offers the following portrait of life in Baghdad the day after the insurrection:

"No one knows what is happening in the capital right now. Power has been cut off in my neighbourhood since the afternoon, and I can only hear helicopters, massive explosions, and continuous shooting nearby. The streets are empty, someone told us half an hour ago that Mahdi [Sadr's militia] are trying to take over our neighbourhood and are being met by resistance from Sunni hardliners. Doors are locked, and AK-47's are being loaded and put close by in case they are needed. The phone keeps ringing frantically." There is no "sovereign," American or other, in this Iraq; there is anarchy. The less "sovereignty" the United States possesses, it appears, the more quickly it wants to surrender it.

2. "Hand over." How can the United States "hand over" power that it has never possessed? In any case, sovereignty is not a physical object, like a desk, that can be moved from one office to another. It is a relationship among people—one of command and obedience. Even if the United States did have sovereignty in Iraq, as it obviously does not, it would not be able to pass it on to someone else. Either the United States would remain the real sovereign behind the scenes or the new group would have to build up sovereign power for itself. Admittedly, the United States does possess something in Iraq—overwhelming military force. But this is one thing, needless to say, that the United States decidedly will not hand over on June 30 or any other day. (Other things it is not planning to hand over are control of the central bank and the news media.) Will the Governing Council, which many Iraqis call "the Governed Council," command American troops or, for that matter, even their own Iraqi troops? Not likely. Meanwhile, the misnamed "administrator" of the misnamed "coalition" will be replaced by a misnamed "ambassador," presiding over what is to be the largest US "embassy" in the world.

3. "The Iraqi people." The Iraqi people will have no involvement, whether as givers or takers of power, on June 30. Those to whom the United States plans to hand over something or other (it will certainly not be power) are a small group of Iraqi officials, most of whom are to be US appointees. No one knows yet exactly who they will be or how they are to be chosen, Bremer's previous plan of selecting them by means of managed "caucuses" having been scuttled in the face of opposition from Ayatollah Sistani.

4. "Interim Constitution." A series of temporary regulations promulgated, before any election has been held, in the name of a conquering power and its local appointees is wholly misdescribed as a Constitution. A Constitution is the fundamental, enduring law of a country. In a democracy, it proceeds from the will of the people. Nothing of this kind will be instituted in Iraq on June 30.

5. "June 30, 2004." Among political observers, it is widely and believably said that this date is geared not to any events in Iraq but to the 2004 US presidential election. The Bush Administration wants to bolster the President's campaign by creating an impression of progress in Iraq, and is staffing the CPA's office of strategic communications with GOP operatives including Rich Galen, former press spokesman for Newt Gingrich and Dan Quayle.

Keeping all these things in mind, we should revise the commonly used phrases. Instead of saying, "On June 30, the Coalition will hand over sovereignty to the Iraqi people," we should say, "On June 30, the re-election campaign of George W. Bush will hand over the appearance of responsibility for the rapidly deteriorating situation in Iraq to certain of its local appointees."

And the Iraqi people? They are busy, violently and otherwise, struggling for their own future. One of the organizers of the Sistani petition, Saad Taher, commented to Shadid, "America has a term: the rebuilding of Iraq. We are rebuilding ourselves. We want to create a new Iraqi personality. That's our task. That's not the Americans' task." For better or worse, these words are already on their way to becoming true.

Jonathan Schell, Harold Willens Peace Fellow at the Nation Institute, is the author, most recently, of The Unconquerable World: Power, Nonviolence, and the Will of the People *(Metropolitan).*

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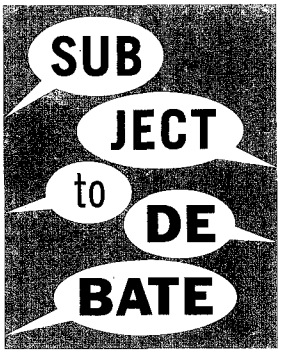
KATHA POLLITT

Pregnant and Dangerous



The good news is that Utah has dropped murder charges against Melissa Rowland, who rejected her doctors' advice to undergo an immediate Caesarean section and gave birth to a stillborn boy and a girl who tested positive for cocaine. The bad news is that she has accepted a plea to two counts of child endangerment for using drugs during pregnancy and faces a possible five-year sentence. Whatever one calls it, this is what we've come to in America: failure to produce a live, healthy, non-drug-exposed baby can land you in prison.

Stillbirth is a tragedy. Drug use during pregnancy is a terrible idea. But should they be crimes as well? Admittedly, Melissa Rowland is not exactly a poster child for pregnant women's rights. Early news reports, which are all most people have heard, made her sound frivolous and vain: She refused the operation, we were told, because she thought the scar might diminish her sex life (she denies having said this and points out that her two older children were born by C-section, as, finally, were the twins). In the public eye, Rowland is a monster mother: sexual, selfish, whimsical, like Susan Smith, who drowned her kids supposedly to win back a wealthy boyfriend, or the anonymous women whose newborns are found frozen to death in dumpsters.

The truth is, Rowland is a deeply troubled woman: mentally ill, estranged from her family, sometimes homeless; she was confined to a mental hospital at 12, bore twins at 14, has tried to kill herself twice; four years ago her daughter was placed in foster care after Rowland was convicted of child abuse for punching her in a supermarket. Her boyfriend, father of the second set of twins, abandoned her before the birth (although the two took the drugs together, he was never charged with anything). A supporter, Lorna Vogt of the Utah Progressive Network, says Rowland told her that the reason she was in Utah in the first place was that she had been brought to Salt Lake City from Florida by an adoption agency to deliver the babies and give them up. (Utah has lax adoption laws, and apparently this practice is not uncommon.) Rowland also said she was living in a hotel room on a $100 weekly allowance from the agency and was treated with hostility by doctors and nurses—who called the police when she left the hospital instead of instantly submitting to surgery. In other words, Rowland lacked everything a pregnant woman should have: support, security, understanding, respect. That she is said to have described C-section as "being gutted from breast bone to pubic bone" suggests to me that she was terrified.

Assistant DA Langdon Fisher says the prosecutors dropped the murder charge because Rowland was mentally ill. Maybe. But perhaps they were also affected by the unexpected storm of controversy. "They went after a vulnerable woman because she was an easy target," Vogt told me. "They thought they'd make some headlines." And so they did. Pregnant drug users don't get much sympathy from the public, but the specter of women forced under the knife against their will, compelled by law to risk their lives and health despite their own judgment, is one many women can relate to. As Lynn Paltrow of the National Advocates for Pregnant Women (NAPW) points out, doctors are often wrong about the need for C-sections, as you might expect in the country with the highest rate of Caesareans in the world—nearly one in four births, twice the proportion recommended by the World Health Organization. Granted, Rowland may not have had this statistic at her fingertips, but the point at issue in the murder charge remained whether pregnant women are people or vessels: Can they decide what is done to their bodies, what risks to take, or not? And what's next? Will women who miscarry or whose babies are born dead or sickly be jailed for smoking or drinking during pregnancy? For failing to follow doctor's orders on diet or bed rest? For choosing a home birth?

Now for the moment those slippery slope arguments have been set aside, and we are back with what is becoming an American tradition: arresting poor women for illegal drug use during pregnancy. For the past eight years, South Carolina has been charging women, mostly poor and black, with child abuse if they deliver babies who test positive for illegal drugs; the Supreme Court recently refused to hear the appeal of Regina McKnight, who is serving twelve years in maximum security for "homicide by child abuse" after delivering a stillborn baby who tested positive for cocaine. If you think what happens to a poor black drug user with an IQ of 72 doesn't apply to you, think again: In its 1997 decision in *Cornelia Witner v. State of South Carolina*, the state Supreme Court decreed that *anything* a pregnant woman does after viability that causes "potential harm" to the fetus is child abuse—anything.

The prosecutor denied that the murder charges against Rowland had anything to do with abortion politics. NAPW's Paltrow, who argued the McKnight case, agrees: This is about the rights of pregnant women to decide on their medical care. Still, it is hard not to connect Rowland's case with the ongoing spate of antiabortion legislation and the disrespect for women's decision-making powers it fosters. The resistance of antichoicers to health exceptions on abortion restrictions says it all: God forbid a woman with multiple sclerosis should get an abortion to avoid paralysis! Recently in a challenge to the partial birth abortion ban brought by the Center for Reproductive Rights, Dr. Watson Bowes testified in support of the ban that he opposed all abortions unless the chance that a woman would die was greater than 50 percent.

Melissa Rowland's case is one that never should have happened. Instead of arranging her auto-da-fé, whether for murder or child endangerment, the State of Utah should be asking itself how it can improve services for poor, pregnant, mentally ill substance abusers—and maybe take a look at adoption agency practices, too. When doctors and nurses take the time to know their patients and treat them with empathy and respect, patients usually follow their advice. It's good that Utah has decided that when doctor and patient disagree, the last word has to be hers, even though sometimes she will be wrong, as sometimes the doctor is wrong. After all, it's her body—for now. ■

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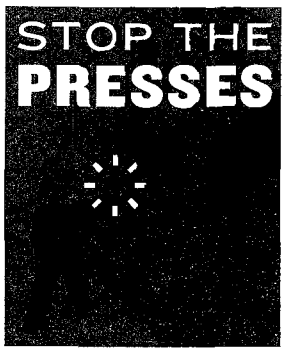
ERIC ALTERMAN

Dishonest, Moronic or Both?



Grover Norquist, the right's premier political organizer, once told me that the most significant difference between liberal journalists and conservative journalists is that the former are journalists first while the latter are conservatives first (if journalists at all). Right-winger Bill O'Reilly plays the role of a journalist on TV, radio and print. His grasp of the profession's fundamental tenets, however, seems hardly more secure than that of an actor hired to play a journalist in a phony White House Medicare video.

Recently O'Reilly complained on television, radio and in his syndicated column about a December 2003 group interview conducted by about a dozen and a half writers and scholars with John Kerry in Al Franken's apartment. Those present at the two-hour, on-the-record event—myself included—grilled Kerry about his record, his plans and what looked to be his failing campaign. Because few believed Kerry was still in the running—*Slate*'s Mickey Kaus was holding a contest to name the excuse he would use to drop out of the race—the encounter generated little mainstream coverage. I posted a long description of it on my "Altercation" weblog (www.altercation.msnbc.com), including the "spirited exchange" between Kerry and me over his misguided vote to authorize the Iraq war, and William Rivers Pitt wrote about it on the Truthout.com website.

Months later, O'Reilly became exercised upon reading a short paragraph about the meeting in a *New York Times Magazine* profile of his nemesis, Franken, in which *Time* managing editor Jim Kelly was quoted observing, "By the third go-round, the answer [regarding Iraq] was getting shorter and more relevant." In his column, O'Reilly complained, "The 'third go-round'? That sounds like coaching to me, but I could be wrong. Maybe the Massachusetts senator simply wasn't making himself clear.... Can you imagine if executives from the Fox News Channel, *The Wall Street Journal* and *The Washington Times* had gathered at Camp David for a little slap and tickle with President Bush? And nobody was told about it? And *The New York Times* found out about it? Can you say PAGE ONE BOLD FACE HEADLINE?"

Alas, the talk-show host is confused on several counts simultaneously. The meeting included no executives and was clearly no "slap and tickle" session. Here's Pitt's description: "Kerry's decision to open himself to the slings and arrows of this group was bold and impressive. He...had his game face on. He needed it, because Eric Alterman lit into him immediately on the all-important issue of his vote for the Iraq War Resolution. The prosecution had begun." (And O'Reilly cannot credibly plead ignorance on this point, because, at the request of a Fox producer, I forwarded him my MSNBC.com report on the meeting.)

O'Reilly has apparently never seen a public official being asked a tough question over and over until he offers a straight answer. Perhaps this is because he largely hangs around with the conservatives at Fox and maybe takes in the occasional presidential press conference on television. When reporters attempt to re-ask Bush a question, he merely repeats the same nonsense he spouted in the first place. With few exceptions, reporters tend to let him get away with it. In July 2003 Bush deliberately misled the country with the words: "Did Saddam Hussein have a weapons program? And the answer is: absolutely. And we gave him a chance to allow the inspectors in, and he wouldn't let them in." He repeated this obvious falsehood in January alongside the Polish president. Never was Bush forced to follow up with an explanation of why he didn't seem to have a clue about the war he started. Given that Bush's statement bore "no relation to reality," the *Washington Post*'s Dana Milbank was asked, "Why has that not been made more of by the press?" Milbank, perhaps the toughest of all regular White House reporters, responded, "I think what people basically decided was, this is just the President being the President. Occasionally he plays the wrong track, and something comes out quite wrong. He is under a great deal of pressure."

Meanwhile, *New York Times* White House correspondent Elisabeth Bumiller has admitted that asking tough questions of the President is just too scary, and we should get off her case about allowing him to mislead America and the world: "I think we were very deferential," she recently explained in an interview, "because it's frightening to stand up there. Think about it, you're standing up on prime-time live TV asking the President of the United States a question when the country's about to go to war. There was a very serious, somber tone that evening, and no one wanted to get into an argument with the President at this very serious time."

Finally, there's O'Reilly's idea that the world would be shocked if Bush held a similar meeting. Well, here one has to wonder what planet the man inhabits. Bush and his advisers have meetings like that one all the time. The primary difference between them and Kerry—at least at the meeting I attended—is that they do not have the guts to go on the record. Bush invited a group of neocon columnists over for lunch right before he went to war and, without going on the record and with no pesky "third go-rounds" on questions, manipulated each one of them into deceiving the nation. For instance, the late Michael Kelly, writing in the *Washington Post*, passed along this bit of malicious misinformation unedited: "The official [actually Bush] described both Hussein and al Qaeda as...part of, and partners in, the war of terror against the United States," and "spoke of a 'connection between a despot who has got chemical, biological and eventually, perhaps, nuclear weapons, and a shadowy network....'"

Remember, this is a President who cannot even face the 9/11 Commission without Dick Cheney there to baby-sit him. And O'Reilly has a problem with Kerry taking tough questions for two hours on the record? As with Bush, we're left with the perennial unanswerable question: dishonest, moronic or both?

I report, you decide. ■

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ARTICLES

THE BEAT-BUSH BRIGADES

by JOHN NICHOLS

The Bush presidency has not been kind to Ohio, where 230,000 jobs have been lost over the past three years. That's particularly true in the eastern part of the state, where the steel industry is hemorrhaging jobs, and hope. "There's a lot of anger, a lot of frustration. Our challenge is to channel that anger and frustration into the election this fall," says Jess Goode after a day of knocking on doors in Canton. Goode was working with the "Steel Canvas," a voter registration and mobilization initiative organized by America Coming Together (ACT), the most prominent of a network of activist groups intent on beating George W. Bush. "If we can get these people back into politics, I think we can do a lot more than win one election," Goode says. "We can get this country back to a place where people who have been turned off will get back into the fight. That's what I think about every time we knock on a door."

Through projects like the "Steel Canvas"—in which activists, many of them laid-off steelworkers, knock on doors with leaflets reading, "The Bush Administration sent my job overseas. What should I do now?"—ACT has already contacted 190,000 Ohioans and registered 36,000 new voters. And that's just the start. With a budget that is expected to reach $95 million, ACT has fifty organizers and 450 canvassers working in Ohio, which Bush carried only narrowly in 2000, and is replicating that level of activity in the sixteen other swing states that hold the balance in this year's contest between Bush and Democrat John Kerry.

In the public housing projects of Orlando, Creole-speaking Haitian-American canvassers are working with ACT to register first-time voters. In predominantly African-American neighborhoods of St. Louis, ACT canvassers are typing the issue concerns of likely voters into Palm Pilots in order to target communications to them. And in the steel valleys of Ohio and Pennsylvania, the canvassers are trudging from door to door with a video presentation showing laid-off steelworkers explaining the devastating impact of Bush's decision to lift tariff protections. "The only jobs George Bush is going to create this year in some of these states are with ACT," jokes Steve Rosenthal, the former AFL-CIO political czar who heads the organization.

ACT is one of dozens of independent progressive groups with ties to the labor, civil rights, environmental and pro-choice movements, which have been raising money, polling, strategizing and targeting key states with the purpose of dramatically increasing the turnout among angry voters. Thanks to substantial contributions from supporters like billionaire George Soros and from unions and liberal interest groups, they have filled their treasuries with unprecedented

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largesse—tens of millions of dollars already, hundreds of millions by November. It is way too soon to judge how effective all this new activism will be, and there are problems, some serious, that must be addressed. But if the frantic reactions of Republican operatives are any indication, these groups are altering the political calculus of 2004.

Case in point: The groups have already upset the best-laid plans of the Bush/Cheney '04 campaign to dominate the television airwaves. When Kerry took time off for a snowboarding vacation in Idaho in March, the Media Fund and the MoveOn.org Voter Fund kept banging away at Bush—on television, and on the doorsteps—with more effective messages than the unfocused Kerry campaign has yet mustered and with a ferocity that had Republican National Committee chair Ed Gillespie frothing at the mouth about unfair tactics and below-the-belt hits. Gillespie is not just being paranoid about these new independent groups; ACT's self-stated goal is "the defeat of George W. Bush and his Republican allies."

But wait a minute. Isn't it the job of the Democratic Party to build the infrastructure that beats Republicans? Historically, yes. There once were great urban machines, organized down to the precinct level, that churned out Democratic votes every election year, providing the margins of victory for Democratic presidential candidates like Harry Truman and John Kennedy and keeping Congress reliably Democratic. The party and its allies in labor were once so good at grassroots politicking that there remains a lingering sense that the Democrats are the masters of the grassroots. But as Rosenthal notes, the machines of old "got very, very rusty."

The Democratic machines used to churn out votes in every election. But as Steve Rosenthal of ACT notes, they 'got very, very rusty.'

In the 1990s, when Rosenthal reorganized the AFL-CIO's political operations to get union activists knocking on doors again, he recalls, "I kept hearing back from labor people who said, 'It's really lonely out here.'" Even as labor drives increased the percentage of the overall electorate that came from union households—from 19 percent in 1992 to 26 percent in 2000—turnout among other traditionally progressive constituencies slackened. At the same time, the Republican Party and groups associated with it were implementing sophisticated voter identification and mobilization strategies. One example was the "72-Hour Program," which former Christian Coalition executive director Ralph Reed developed in 2002 to help the Georgia GOP displace Democratic Governor Roy Barnes and Senator Max Cleland in a stunning pair of upsets.

The 2002 election results were a wake-up call for progressives. It was no surprise that Democrats had been outspent, but what *was* surprising was the level of coordination between Republican media and grassroots initiatives and the strength of the GOP's get-out-the-vote push. Susan Shaer, executive director of Women's Action for New Directions (WAND), says, "2002 scared people. There was this realization that there ain't no Democratic precinct captains out there in a lot of the states." Much was made of the fact that Republicans picked up Congressional seats, reversing a historic mid-term pattern, but that did not begin to tell the full story of the collapse of Democratic fortunes. Following the 2002 election, Democrats fell back to the same number of House and Senate seats they held after the devastating "Republican revolution" election of 1994, which tossed the Democrats out of power in Congress for the first time in forty years. And the debacle went deeper. For the first time since 1952, Republicans held more state legislative seats than Democrats did. Those 2000 maps that showed so many states colored red for Bush were starting to look less like anomalies and more like a fate Democrats would have to resign themselves to.

The party apparatus has withered in much of the nation. Terry McAuliffe, the Democratic National Committee chair, promised a "rural initiative" to move resources and staff into states such as North Dakota and Montana, but the money never really flowed. You can now drive for hundreds of miles across the Western United States without touching a county where the party has a viable local organization. In the South, a decline in party fortunes that can be traced to the civil rights era has accelerated to a point where Democrats this year had a hard time recruiting statewide candidates in states like Georgia and Texas, which they dominated into the 1990s. In the Midwest, Democrats hold fewer state legislative seats than at any time since 1962. In Ohio, a state where Democrats controlled both US Senate seats, the governorship and the State Assembly as recently as 1990, the party now holds no statewide constitutional offices. For all his talk of rebuilding the party, McAuliffe has actually been presiding over its steady decline. And his one presumed strength, an ability to raise huge sums of unregulated "soft money," was, on the morning after the 2002 vote, choked off by the new McCain-Feingold Bipartisan Campaign Finance Reform Act.

McCain-Feingold barred national parties from collecting unlimited and largely unregulated soft-money contributions from unions and corporations and then distributing that money to state parties—as they did with more than $470 million in 2002—to pay for everything from television commercials to get-out-the-vote drives. Thus, even if McAuliffe and the DNC could get their act together, the party no longer has the financial flexibility to implement the sort of campaign needed to offset the advantages of the Bush/Cheney re-election effort and the Republican National Committee, both of which are flush with cash raised from their broader bases of well-off "hard-money" donors.

To fill the void, Rosenthal and other veteran political players, including Ellen Malcolm, president of Emily's List; Harold Ickes, former Clinton White House aide; Jim Jordan, former Kerry campaign manager; and Cecile Richards, former aide to House Democratic leader Nancy Pelosi, have created what friends and foes describe as a "shadow party." Taking advantage of a loophole in Section 527 of the Internal Revenue Code that allows independent political groups to continue raising and spending soft money, these groups are well on their way to collecting close to $200 million from wealthy liberals and allied labor and issue-advocacy groups ranging from the AFL-CIO to the League of Conservation Voters and the Association of Trial Lawyers of America.

The money is being used to construct a network of new organizations that does indeed look, in many senses, like a political

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party. For a start, there's the Media Fund, headed by Ickes, which serves as the coalition's television advertising arm. America Coming Together, a collaboration between labor unions and issues groups, led by Malcolm and Rosenthal, is organizing grassroots voter contact and mobilization. America Votes is an umbrella organization financed by contributions from more than two dozen unions and issues groups and run by Richards, who serves as a "traffic cop" to avoid duplication of effort by organizations such as the Planned Parenthood Action Fund, the NAACP National Voter Fund and the Service Employees International Union. The Thunder Road Group, named for a Bruce Springsteen song and led by Jordan, is responsible for research and coordinating rapid responses to Bush campaign attacks. The Victory Campaign 2004 serves as the combined fundraising arm for ACT and the Media Fund, pulling in huge contributions from the likes of Hyatt hotel heir Linda Pritzker, who gave $4 million. Soros has ponied up $5 million for ACT, while Progressive Corporation CEO Peter Lewis is in for $3 million.

So far the Media Fund has drawn most of the attention. After Super Tuesday the Bush campaign launched a $10 million ad campaign in swing states with the goal of defining the President (positively) and Kerry (negatively) at a time when Kerry was low on funds. But the Media Fund countered with ads criticizing Bush, as did the MoveOn.org Voter Fund, another 527 group. Though the Media Fund and MoveOn cannot coordinate with the Kerry campaign, the combination of their ads and Kerry's in key media markets such as St. Louis and Milwaukee actually gave anti-Bush themes more airtime in those markets than those of the President. That got Republican National Committee chair Gillespie screaming about how the ads represented "one of the dirtiest campaigns in modern presidential politics."

'During the primaries, the issue for a lot of Democrats was "Who can beat Bush?" Now, the message has to evolve.' —Former Rep. Jim Jontz

Since then, almost every time the Media Fund or MoveOn has put up a new ad, lawyers for the Bush campaign and the Republican Party have filed complaints with the Federal Election Commission and "warned" television stations that the ads may violate FEC rules. The Republicans, who have been less aggressive about setting up 527 committees, are pressing the FEC to tighten controls on advocacy organizations; in May the FEC will consider proposed rule changes that would restrict the shadow groups' media and grassroots campaigning. While there's no doubt about the need for regulation—and real campaign finance reform—it does not look as though the FEC is prepared to shut down the 527s. In fact, Republicans say they're busy tracking down "our billionaires" to set up conservative 527s, like the already well-funded Americans for a Better Country.

But the real action will be on the streets. ACT is there already, and so are a lot of its allies. Organized labor has developed strategies to counter the Bush campaign's efforts to re-create the old "Reagan Democrat" phenomenon, which saw white male union members casting votes based on their conservative social views rather than their economic best interest. Unions in Ohio, Pennsylvania, Missouri and other key states have identified regions where their members will need an extra push, and they're providing it—with phone, mail and personal contacts designed to remind workers three times each month between now and the election of the failings of the Bush economic agenda. But if the last several election cycles prove anything, it is that union members are not the only base voters who need a push. So unions have created associate member programs to expand their reach beyond traditional boundaries. At the same time, ACORN, USAction, the NAACP National Voter Fund, the Sierra Club and other groups are all implementing unprecedented voter registration, identification and mobilization strategies. And they will have plenty of company at the doors.

Dozens of nonprofit and community groups associated with the National Voice coalition are also organizing voter registration and education drives. The National Voice groups are not 527s; rather, they operate under a different tax status that strictly bars them from advocating for or against candidates for federal office. But these groups can make sure that their members and allies are registered to vote and that they are aware of what's at stake. That's exactly what groups like Women's Action for New Directions have done. WAND's Vote 2004! project is working to get organizations that were active last year in passing "Cities for Peace" resolutions in Detroit and Columbus, Ohio, to make sure their members and allies are registered to vote. As the year goes on, WAND will distribute educational materials in those and other communities to insure that activists know where candidates stand. Explains WAND's Shaer, "There are a lot of people out there who have been lectured to, who have been advertised to, but who haven't been touched in a long time. They care about issues, but not so much about parties. What we're doing invites them to get active without then saying, 'Vote for this guy.'"

How far the invitation will be extended remains to be seen. Underneath the excited talk regarding media campaigns and mobilizations there remains a good deal of uncertainty about what the outside-the-party projects will achieve. One of the biggest challenges involves the delivery of a coherent message. "During the primaries, the issue for a lot of Democrats was 'Who can beat Bush?' Now, the message has to evolve," explains former Congressman Jim Jontz, who runs the "Regime Change" campaign of Americans for Democratic Action. "Now there's got to be clear and well-focused communication about what is being offered as an alternative to the Republican agenda." Groups are not always on the same page; there's a genuine ideological chasm, for example, separating the corporate-funded New Democrat Network, with its history of backing free-trade pacts, and the AFL-CIO. Additionally, election rules make it illegal for the Kerry campaign to coordinate with groups that are independent of the campaign and the Democratic Party.

While Republicans have gotten good at working around legal constraints in order to communicate with their base, Democrats still struggle. With constant asides about "judicial activism" and the definition of marriage, Bush telegraphs messages that aid the work of officially independent groups such as Americans of Faith, which plans to spend $2.5 million to register 2 million conserva-

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tive Christian voters. Kerry has proven less adept at subtly sending mobilization messages. For instance, farm activists who want to develop independent voter mobilization initiatives in rural areas, which have seen a severe decline in support for Democrats, urged Kerry to address the March convention of the National Farmers Union, the county's largest progressive farm group. But the candidate couldn't be convinced to adjust his schedule. "That," explained the head of an independent group working in rural areas, "was a real missed opportunity."

There are also concerns that, like the Kerry campaign and the DNC, independent groups are too focused on those seventeen presidential battleground states. That does little to help Democrats retake Congress, since most of the open Senate seats are in states like Oklahoma and South Carolina, which will never be presidential battlegrounds.

And there remains the very serious question of whether the infrastructure is in place to turn passion into practical politicking. Howard Dean's presidential campaign motivated thousands of volunteers to travel to Iowa, but Dean aides now acknowledge that they failed to provide the training and direction needed to utilize the campaign's human capital effectively. Veteran activists worry about whether the many grassroots initiatives that are now being developed are adequately prepared to absorb the thousands of volunteers they plan to attract. "It's great to have so much enthusiasm and activity," says Heather Booth, who has worked with many of the groups. "But I still worry about whether, in the end, there will be enough planning, enough staff in place, to assure that somebody is on this corner and somebody is on that corner."

Other strategists fret about whether too much money is going to television and too little to the grassroots, and about whether outreach to young nonvoters and other traditionally disengaged groups is striking the right chords.

And then there is the question of how to make sure all this new infrastructure will last longer than one election cycle by developing the broad-based, small-donor funding that is key to turning a "project" into a permanent force. There really are no guarantees that what is being developed now will do that, let alone that it will give George W. Bush that "one-way ticket back to Crawford, Texas," that ACT mailings promise. But Jess Goode, who took a leave of absence from his job with a Democratic congressman to work for ACT in Ohio, is certain that something important is going on. "When I talk to people who were involved in politics here before I was born, they tell me they haven't seen this kind of activity in forty years," says Goode. "Forty years! That's all the way back to when our side was good at winning elections." ■

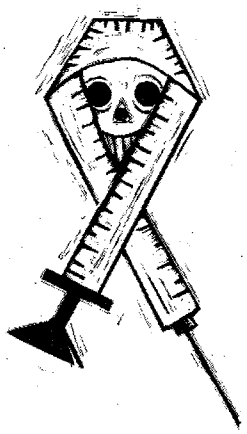
Read a report on getting out the vote by Jeff Blum of USAction at www.thenation.com.

THANKS TO THE US-LED DRUG WAR, AIDS IS EXPLODING AMONG INJECTION DRUG USERS.

Condemned to Death

DANIEL WOLFE

In addition to the obligatory red ribbons, the logo for the XV International AIDS Conference features three Asian elephants raising their trunks as if in welcome. The world's most important gathering of AIDS specialists will be held this July in Bangkok, a location chosen not only because Asia is thought to be the site of the next big wave of HIV infections but because Thailand is one of only a few developing countries that have thus far seemed able to control them.



RYAN INZANA

International experts have hailed Thailand's 100 percent condom program, which in the 1990s distributed some 60 million condoms free to sex establishments, engaged brothel owners and government officials alike to make sure they were used and helped bring down rates of HIV and sexually transmitted infections as much as fourfold. Thailand is also the first developing country to create a functional program to stop mother-to-child HIV transmission, providing free prenatal care and preventive medication to more than three-quarters of pregnant women testing positive for HIV.

Daniel Wolfe is a community scholar at Columbia University's Center for History & Ethics of Public Health and a consultant for the Open Society Institute.

Last June Kofi Annan's praise of Thailand was one of the few bright spots in an otherwise grim report to the UN General Assembly on lack of global progress against AIDS.

Yet the elephant—icon of long memory—is an ironic symbol for the AIDS conference in one respect. Conference organizers and UN officials alike seem to want to forget that, to the group at highest risk for HIV across Asia—injection drug users—what Thailand offers looks less like innovative AIDS prevention than old-fashioned, barrel-of-the-gun repression. In February 2003 the governing Thai Rak Thai (Thais Love Thais) party launched an all-out war on drugs that has included forced urine testing at nightclubs and bars, arrest quotas and mass roundups of alleged dealers and addicts.

While ostensibly focusing on dealers of "ya-baa" ("crazy drug"), the methamphetamine made in cottage labs across Thailand and flowing in vast quantities from nearby Myanmar, the campaign has forced hundreds of thousands of Thais who are on government blacklists, including many with no history of drug use at all, to report to the police. "Panic is so strong that mothers who have never used any drug are reporting to treatment centers to clear the family name," says Paisan Suwannawong of the Thai

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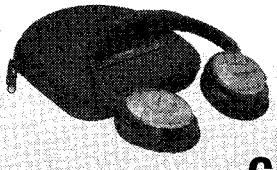

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Drug Users' Network. Less than three months after the crackdown began, more than 43,000 "drug traffickers" had reportedly been imprisoned and as many as 230,000 Thais interned in military-run "treatment" centers, where they were drilled in boot-camp-style exercises and made to chant antidrug propaganda. Even more ominously, nearly 2,600 men, women and children—most of them ethnic minorities from the north—have been gunned down during the crackdown. Government officials insist that all but a handful of the deaths are "cut off" killings perpetrated by drug dealers trying to prevent incriminating testimony. Human rights observers say the murders—accomplished with the neat efficiency of professional hit men, sometimes as victims are in handcuffs or returning from police interrogation—look more like systematic extrajudicial executions.

Prime Minister and former police officer Thaksin Shinawatra—who last year enjoyed rising popularity ratings, the fastest-growing stock market in Asia and a spate of visits with President Bush unblemished by public discussion of human rights violations—has declared the war on drugs a "beautiful success." Not surprisingly, however, the crackdown's effect on programs serving drug users, including HIV prevention and research efforts, has been immediate and ugly. A study led by researchers at Chiang Mai University last June found that more than a third of Thai drug users going to rehabilitation clinics had stopped attending, with many likely to have returned to injection and high risk of HIV infection. In the north, AIDS researchers working with hill tribes pulled their teams for fear of being caught in the crossfire. Paisan of the Thai Drug Users' Network sees the crackdown as the latest in a series of HIV-prevention missteps that have included cancellation of the country's only needle-exchange program and failure to implement countrywide methadone maintenance programs in spite of clear evidence of their efficacy. As a result, while rates of HIV have fallen among Thai sex workers, they have been climbing steadily among injection drug users.

In Russia, 1 million people have HIV. Nearly all were infected in the past eight years. Most are under 30. Ninety percent shoot drugs.

Local drug wars have long been bound up with global markets. America's first antinarcotics legislation, the Harrison Act of 1914, was passed in part to curry favor with China by demonstrating US opposition to opium, thus edging Britain out of competition for lucrative trade. Today, countries either produce zero-tolerance policies for the US State Department as proof of fitness for duty in the open markets, or risk exclusion from them. From 1994 to 1998, for example, Nigeria was "decertified" as a recipient of US aid for failure to take an active-enough role in drug control. Thailand, by contrast—hailed by President Bush as a "partner in the war against terror," an all-purpose designation that serves in current parlance to invoke Thailand's drug-war efforts, its contribution of soldiers to the occupation of Iraq and government efforts to quell an uprising in the country's mostly Muslim south—received special non-NATO ally status from the United States this past October, entitling it to foreign trade concessions and discounts on military matériel.

Meanwhile, wholesale assaults on drug users have become a part of the political landscape across Asia and the former Soviet Union, particularly since heroin and methamphetamine are among the "goods" circulating with increasing speed across the newly opened borders, recently constructed highways and new free-trade zones characteristic of post–cold war economies. The Vietnamese recently intensified a decade-long "social evils" campaign against drug use, forcing 25,000 drug users in Ho Chi Minh City into treatment since late 2001 and extending to five years the period of forced labor they term "rehabilitation." In China, Human Rights Watch has documented mass roundups in Yunnan province, with drug users forced to work making fake gems or batik scarves for Yunnan's burgeoning tourist trade. In Malaysia, former Prime Minister Mahathir Mohamad launched a "social evils" campaign against drugs last July. This effort built on repressive policies of Malaysia's recent past, including mandatory flogging and imprisonment for possession of any amount of any illicit drug, and granting police the ability to detain suspects for two weeks, administer drug tests and imprison anyone showing past evidence of drug use.

What is relatively new, and exacerbated dangerously by the global drug war, is AIDS. Particularly where economic "opening" has translated into little more than the closure of local industries and an end to state-supported healthcare, people from St. Petersburg to Tajikistan to China have turned to underground economies: smuggling, blood or organ donation, the sale of drugs or sex. STD and HIV epidemics have followed, in turn accelerated by the penchant of governments for criminal enforcement. "Call it the mixing bowl effect," says Chris Beyrer, a Johns Hopkins epidemiologist whose work has traced the ways that HIV outbreaks follow drug trafficking patterns. "Force uninfected and infected people together in institutions where drug use and sex continue, make condoms and sterile injection equipment impossible to obtain, and release those who are newly infected back into a society that punishes admission of drug use with stigmatization and reincarceration."

Indeed, outside Africa, national and international policy toward drug users will play a critical role in determining the course of the HIV epidemic in the next decade. Needle-borne HIV infections spread faster than sexually transmitted ones, and Eastern Europe and Asia are already facing injection-driven epidemics of unprecedented scale and scope. Malaysia and Vietnam have registered more than 55,000 and 75,000 cases of HIV, respectively, with the majority of cases in both countries among injection drug users and the actual numbers of those infected thought to be much higher. The Chinese government—though likely to be vastly underestimating the scope of those infected through blood donation schemes in the center of the country—already acknowledges that 1 million Chinese are HIV-infected, more than 60 percent of them injection drug users. In Russia, 1 million people—more than in all of North America—are estimated to have HIV. Virtually all were infected in the past eight years. Three-quarters are under 30. More than 90 percent shoot drugs.

The good news is that injection-driven epidemics are relatively easy to contain. Participants in needle-exchange programs show none of the ambivalence associated with behavioral initia-

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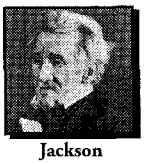
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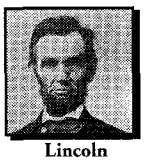
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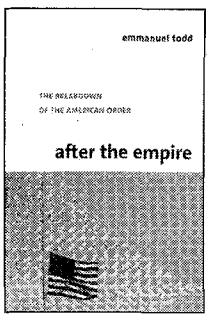

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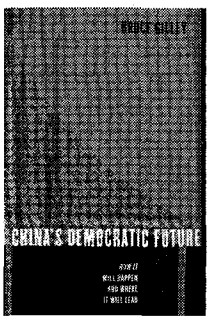

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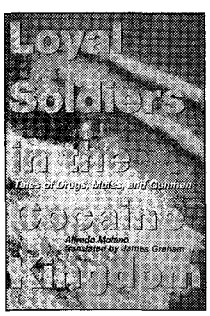

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Translated by James Graham

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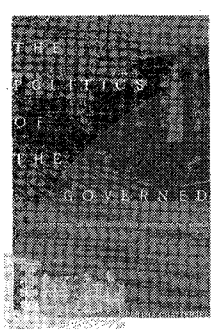

The Politics of the Governed
Reflections on Popular Politics in Most of the World
Partha Chatterjee

"Civil society will not look the same after this book has been read and debated."—Arjun Appadurai, New School University

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tives to increase condom use: Almost no drug user chooses to share needles if offered another option. Ongoing treatment with methadone, widely tested in developing and industrialized countries alike, has been shown to reduce both injection and drug-related crime. More broadly, researchers evaluating the full spectrum of efforts to prevent HIV and other harms among drug users—which includes peer education, syringe exchange and safer injection rooms, methadone maintenance and overdose prevention—have demonstrated positive outcomes in trials from Australia to Belarus.

The bad news is that evidence of effectiveness has so far proven no match for ideology. Public health efforts to offer drug users options other than abstinence, whether in the United States, Asia or the former Soviet Union, have frequently taken a back seat to criminal enforcement campaigns or languished for years in perpetual pilot-program status.

With nearly 2 billion people in countries with skyrocketing, injection-driven HIV epidemics, one might expect coordinated, emergency action at the organization spearheading international control of both drugs and HIV: the United Nations. The declaration emerging from the 2001 UN General Assembly Special Session on HIV/AIDS (known by the unfortunate acronym UNGASS) did include—over the objections of the United States, Russia and a number of Muslim states—passing mention of the importance of clean needles and other measures to reduce drug-related harm. The World Health Organization and the Joint United Nations Programme on HIV/AIDS (UNAIDS) both regularly affirm the importance of a full range of HIV prevention strategies, including the needle-exchange and methadone programs that have controlled injection-driven HIV transmission in Australia and Western Europe. No UN entity, however, has worked with national governments and international donors to bring a harm-reduction program to national scale in countries where injectors are the majority of those with HIV. Methadone remains on the UN's list of the most dangerous, tightly controlled substances. In the rhetorical balancing act by which the UN stakes out a safe position on controversial issues, resolutions for harm-reduction measures have been countered by others emphasizing criminal enforcement. For every UNAIDS advocate who points to the 2001 UNGASS, there are multiple drug-control proponents who invoke the promises made at the 1998 special session convened by the United Nations Office for Drug Control and Crime Prevention under the motto "A Drug-Free World, We Can Do It!"

The UN measures with real teeth—legally binding for the 168 countries that have signed them, including all those with injection-driven HIV epidemics—remain the drug-control protocols of 1961, 1971 and 1988. Known collectively as the UN drug control conventions, these classify more than 200 substances based on danger of abuse, dependence and medical benefit; mandate that narcotics and psychotropics be used only for medical and scientific purposes; and require that countries criminalize possession or manufacture of controlled substances for personal use. In addition to the UN Office on Drugs and Crime (UNODC), which implements UN drug programs on the ground, the conventions are backed up by a substantial political apparatus: the Commission on Narcotic Drugs (CND), which sets UN drug

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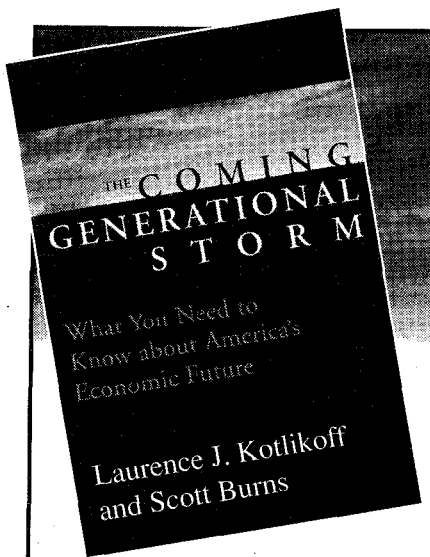
policy, and the International Narcotics Control Board (INCB), which monitors international compliance.

In theory the conventions, which do not specify penalties for drugs or even require that the laws against possession be enforced, are flexible. But in the drug war, as in other conflicts, the United States has expended significant energy to muscle the UN into endorsement of its belief that the only strong intervention is a strongly punitive one. Drug politics makes strange bedfellows, and the coalition of the prohibitionist willing in the drug war includes Russia, several Muslim states, Sweden and Japan. Since UN drug control is almost entirely dependent on donations from member states, the United States—a major donor and a global superpower—has historically had great success in pushing the UN drug-control machinery to reproduce its own domestic schizophrenia, in which scientists emphasize the importance of evidence-based interventions even as they avoid supporting the needle-exchange and methadone-maintenance programs most clearly demonstrated to prevent HIV.

"It was never in writing," says Cindy Fazey, who worked for eight years in the UN drug control system and served from 1990 to 1995 as chief of drug-demand reduction. "But as you're drafting a declaration or planning a program, you'd get a call from a US official saying, 'If you include this phrase, we not only won't support it, but we'll make sure it doesn't pass.'" Fazey says meetings of CND donors she attended often included a representative from the US State Department's Bureau of International Narcotic Matters who had no official role but was actively involved in the proceedings. "He would go from delegation to delegation," Fazey says. "And in the end, everyone understood—no needle exchange, no harm reduction and certainly nothing like prescription of heroin."

CND representatives are accountable to their governments, and recent CND sessions have included resolutions acknowledging the value of sterile injection equipment and spirited debate between US abstentionists and Europeans pressing to remove legal obstacles to clean-needle programs or methadone treatment. UNODC has also begun in recent years to provide limited support to needle-exchange and substitution-treatment programs, citing the need for a "harmonized" approach at the UN. By contrast, the members of the INCB have operated as a hard-line judiciary accountable only to themselves. Including Iranian psychiatrist Hamid Ghodse, longtime Nigerian UN drug-control consultant Philip Emafo and ancient Russian pharmacologist Edouard Babayan, the voices that have historically dominated the INCB make CND meetings sound like a *High Times* convention. "We are talking about the dinosaurs of UN drug control, heavily invested in the most rigid interpretation of the conventions," says Martin Jelsma, a drug policy expert at the Transnational Institute, a Dutch think tank.

The dinosaurs bite: They have lambasted reduction of criminal penalties for cannabis in Spain, criticized medical journals for publishing studies showing the therapeutic benefit of marijuana and even suggested that politicians who campaign for more liberal drug policy might be prosecutable for violating convention restrictions against inciting drug use. The INCB response to what it terms "the crusade for harm reduction" has often been



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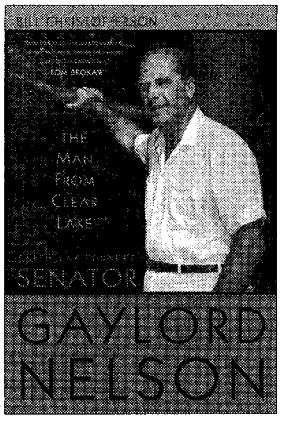

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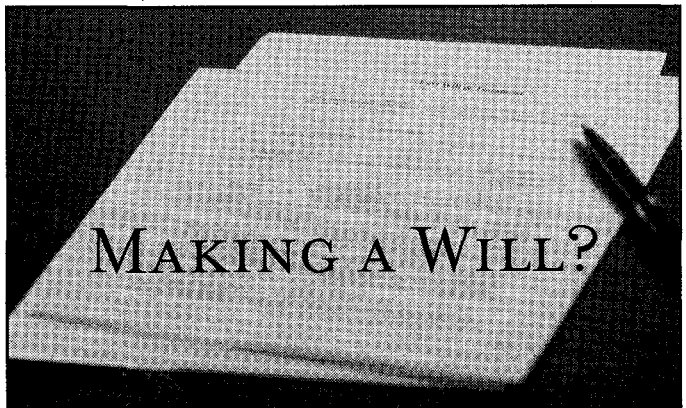

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to equate it, erroneously, with drug legalization, and then to condemn it: It has sharply criticized medical prescription of heroin in Switzerland, cowed Denmark into tabling plans for safer injection rooms and threatened to revoke Australia's license to cultivate opium for medical purposes upon learning of plans for a safer injection room in New South Wales.

It is apparently of secondary importance whether this pressure has any legal basis. In September 2002 the INCB asked UNODC legal experts to consider whether harm-reduction measures were consonant with the UN drug conventions. The UNODC lawyers noted three important features of the conventions that could justify methadone-maintenance treatment, safer injection rooms and provision of sterile syringes. First, all of these could be seen as medical treatment, permissible under the conventions. Second, the conventions urge reduction of drug use and its adverse consequences, which clearly include HIV, thus potentially justifying measures to reduce infection. Finally, the conventions prohibit intentional incitement to or encouragement of drug use, and none of these harm-reduction measures could be said to be performed with the intent of encouraging drug use. "When the findings did not arrive at the desired conclusions, the INCB didn't want to release them," says Jelsma. Though the document was leaked, the board was unyielding. Not three months later, in an official UN publication, INCB president Philip Emafo declared that "giving out of needles" amounted to inciting drug abuse, and was contrary to the conventions.

Whether cause or convenient excuse, the UN conventions and related drug-control efforts are routinely invoked by countries seeking to explain why they fail to offer drug users anything but prison or forced abstinence. A UN survey of seven Asian countries with injection-driven epidemics noted that many governments do not support methadone, in the belief that it would contravene the UN conventions. In China, the UN's International Day Against Drug Abuse has become an annual occasion for gatherings in public stadiums that include virulent speeches by government officials, the public burning of confiscated drugs in enormous caldrons and condemnation of drug dealers to death to chants of "kill, kill" from the audience. A visit by Thai representatives to UN drug control director Antonio Maria Costa at the height of the Thai drug war yielded headlines in Bangkok trumpeting UN approval for the Thai approach. Russian Minister of Interior Affairs Boris Gryzlov recently told the State Duma that "total prohibition" of illicit drug use was "not the [government's] own initiative, but rather a responsibility to implement the UN Drug Conventions of 1961, 1971 and 1988."

It is in Russia that the price of the global drug war may prove costliest. Heroin continues to flood the country from Afghanistan, and for four years in a row the HIV epidemic there has grown faster than anywhere in the world. While groups like George Soros's Open Society Institute and Médecins Sans Frontières have supported needle-exchange programs, none of the national government's meager, $4 million AIDS budget is targeted for provision of sterile syringes. The health ministry's HIV prevention unit is reported to have a full-time staff of three. Methadone remains against the law throughout the country, and until recently it was illegal to describe drug use in any but negative terms. A govern-

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ment drug education program, Coma, offers television viewers weekly insights such as the suggestion that drug users be sent to concentration camps to keep them away from children. "It is one of the clearest examples of hate speech I have ever heard," says Tatiana Lokshina, director of the Moscow Helsinki Group, a human rights organization.

In 1996, using a chart drafted by INCB member Edouard Babayan, officials revised downward by as much as a factor of fifty the amounts of illicit drugs punishable by imprisonment. Sidestepping the fact that Russian law did not punish drug use per se, the new chart classified even tiny amounts of drugs as either "large" or "extra large," making everyone liable for the more serious crime of large-scale possession. "Even the dust on an envelope that contained heroin or half a marijuana cigarette was suddenly punishable by years in prison," says Lokshina. There were 100,000 convictions in the first year following passage of new penalties, and the number of those imprisoned for drugs increased fivefold between 1997 and 2000. Pretrial detention centers—where prisoners often remained for months—were so full that inmates had to sleep in shifts, with some fainting from lack of oxygen.

"We call it the American syndrome," says Lev Levinson, a former Duma staffer and policy expert working to reform the drug laws, "when the response to the danger of drug use becomes more dangerous than the drug use itself." Even after sharp restriction of pretrial detention and repeated amnesties to reduce prison overcrowding, Levinson says, as many as 20 percent of Russia's more than 800,000 prisoners, and 40 percent of all Russian women in prison, are there on drug charges. For many, imprisonment includes risk of infection with the deadly, multiple-drug-resistant tuberculosis now rampant in the Russian penal system, as well as continued exposure to drugs and HIV. A 2000 study of drug users in seven Russian prisons found that almost one in seven injected for the first time while incarcerated. The Moscow Helsinki Group reports that rates of HIV among those in prison have increased by 2,000 percent since drug recriminalization.

A handful of Russian provincial and municipal governments have put programs in place to offer education on safer injection and safer sex. Moscow, however, isn't buying. Last October sixteen members of the City Duma wrote to Senate majority leader Bill Frist and Speaker of the House Dennis Hastert to object to US-funded programs that distribute condoms to "drug-addicted prostitutes." In a statement that neatly captures how easily American prohibitions at home are twisted to undermine HIV prevention abroad, they claimed that US funding of "harm reduction" efforts such as sex education and condom distribution were endangering Russia's children and the country's moral standards. "If a policy is not acceptable in America," they concluded, "please do not export it to us."

Global policy on illicit drugs is Janus-faced, constantly shifting between criminal enforcement and public health. In Moscow, Levinson and his fellow campaigners have won parliamentary approval for less punitive drug-sentencing guidelines, and Babayan's infamous drug-penalty table is set to be revised by mid-May. At the same time, the Moscow Duma has proposed mandatory drug and HIV testing for the homeless, sex workers and other high-risk groups in the city, and the State Drug Control Committee has urged criminal action against those who advocate

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12 PM
Rebecca Solnit
Hope in the Dark

2 PM
Marc Cooper
The Last Honest Place in America

4 PM
Bill Hartung
How Much Are You Making on the War, Daddy?

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for harm reduction. In Thailand, Prime Minister Thaksin declared victory in the war on drugs in honor of the King's birthday this past December. He renewed it in March, dismissing as "annoying" a February State Department report citing Thai human rights violations, and initiating a new round of police raids and forced drug testing. International AIDS Conference organizers, though, are meeting with the Thai activists to insure a focus on the human rights of drug users, and the Global Fund to Fight AIDS, Tuberculosis and Malaria recently awarded the Thai Drug Users' Network a $1 million grant. Made outside of Thailand's official country coordinating mechanism, the award recognized the group's claim that drug users were a stigmatized minority unlikely to be addressed fairly in government AIDS efforts.

The most important change in global drug-war policy, however, may come as a dividend of conventional global conflicts. In a rebuke observers suspect had less to do with drugs than with the Bush Administration's highhandedness on issues like the Kyoto Protocol and global arms-control efforts, the UN voted the US representatives off both the Human Rights Commission and the International Narcotics Control Board in 2001. The United States subsequently increased its pledges to UNODC by 45 percent, becoming the single largest supporter of UN drug-control efforts, and successfully fielded a candidate to replace a departing INCB delegate from Peru. But given growing impatience with American unilateralism, money may no longer be able to buy US drug warriors love. This year's INCB report, released in March, suggested that neither syringe exchange nor substitution treatment violated UN conventions when offered as part of a wider effort to reduce demand for drugs, and six INCB delegates will potentially make way for new nominees next year. "Europe is going its own way on illicit drug policy," says Cindy Fazey, pointing to the opening of safer injection rooms, decriminalizing of cannabis and return to heroin prescription in a growing number of EU countries. "It is happening quietly but is likely to be irrevocable."

The question is how long reform at the UN, if it happens, will take to change conditions for drug users in the countries where the AIDS epidemic is growing fastest. American intelligence reports now predict 15 million HIV cases in China, and 8 million in Russia, by 2010. Some 1,300 new HIV cases are diagnosed each month in Vietnam. Ukraine, with 69 percent of an estimated 400,000 HIV cases among drug users, and Estonia—where 85 percent of HIV cases are drug users—are now tied for the highest HIV prevalence in Europe. Injection drug users are the majority of cases in all the Baltic states, the Central Asian republics, Nepal, Indonesia, Iran, Afghanistan and Pakistan. "Drug use has proved to be the key factor in establishing HIV epidemics across a landmass that extends from Spain to the Sakhalin Islands, and from Siberia to Bali," says Chris Beyrer. One can only hope that when the United States wakes up to the need for sound drug and HIV policies, we won't have created another Africa in Asia. ■

LETTERS
CONTINUED

(Continued From Page 2)
the need for a common front in responding to the rightward drift of the nation. We look forward to working with you and your readers in advancing this agenda in the future. LAURA NICHOLS
Center for American Progress

DREYFUSS REPLIES

Alexandria, Va.
■ Laura Nichols says, "Our fight is with the radical right controlling this country." Well, everyone (except the radical right) is for that, which is one reason the left, liberal Democrats, conservative Democrats and even some Republicans (those unhappy with the Patriot Act or the Bush Administration's alliance with Christian conservatives) are uniting in 2004. But if she expects the left to submerge its agenda in one developed by the "center-left" Center for American Progress, I hope she's wrong.

In fact, the radical right isn't controlling the country. America is controlled by a capitalist, corporate elite. Much of it—including Robert Rubin, the darling of the Center for American Progress—is not happy with the Bush Administration's far-right tilt, from radical tax cuts to the war in Iraq. In my article, I suggested that universal, single-payer healthcare and public financing of elections are two ideas that need a lot of help getting traction in the current climate. Now, sounding suspiciously like the Democratic Leadership Council, Nichols says that such ideas are "stale answers of the past... strategically obtuse and politically counterproductive," just "old debates between centrists and populists that have hobbled progressives for far too long." I say: Long live the old debates!

I attended the "major progressive national security conference" Nichols talks about. If she thinks a conference with Zbigniew Brzezinski, Senator Chuck Hagel, Gen. Wesley Clark, Sandy Berger, William Perry et al. registers on the "progressive" scale, well, I guess she thinks Bill Clinton's bombing of Sudan's aspirin factory was progressive. ROBERT DREYFUSS

GETTING OUT THE VOTE—FOR ALL

Washington, DC
■ I want to correct a false impression left by Marc Cooper's "Florida...Again?" [March 22], that People For the American Way Foundation is involved in partisan activity. PFAW, which works with individuals, churches and organizations in the state to conduct voter registration and turnout activities, is a nonpartisan, 501(c)(3) tax-exempt organization that does not, indeed could not, conduct activities intended to influence the outcome of elections.

Since our founding in 1981, PFAW has worked to increase citizen participation in the political process, particularly among African-Americans, Latinos and other communities of color, young people, the poor, individuals with disabilities and others underrepresented and discriminated against. Before the 2000 elections, PFAW worked with labor and civil rights leaders to develop and conduct the Arrive with Five program (AW5), designed to maximize voter participation in African-American communities around the state. AW5 can be credited with helping produce high voter-turnout rates among African-Americans in 2000. However, the goal of the program was not—as the article implies—getting candidates elected or defeated. Like all PFAW election-related work, AW5 was, and remains, a strictly nonpartisan program whose goal is empowering the entire black community.

Similarly, the goal of Sanctified Seven (S7), another of our election-related projects, is not a partisan effort. S7, a project of our African-American Ministers Leadership Council, does not tell people how to vote or advance a viewpoint or issue. RALPH G. NEAS
President, PFAW Foundation

CORRECTIONS

■ In Patricia J. Williams's April 5 "Diary of a Mad Law Professor," Marcus Dixon was sentenced to the *minimum*, not maximum, ten-year sentence.

In Jack Newfield's "Bush to City: Drop Dead!" last week, the Department of Homeland Security's initial Urban Area Security Initiative was $100 million, not $500 million.

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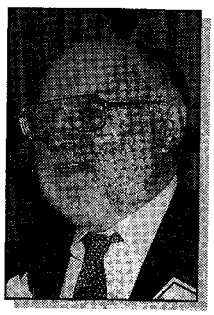

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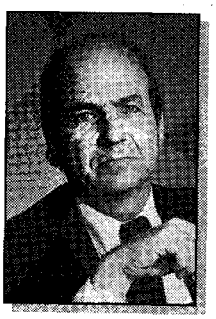

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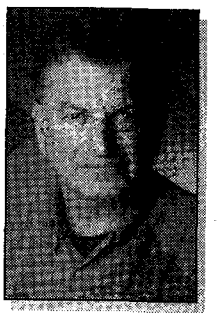

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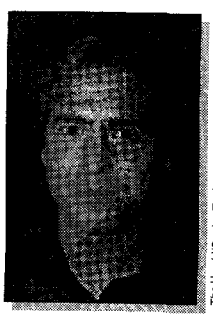

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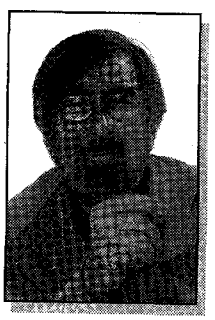

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Dec. 9	Thu	Road Town, Tortola	7:00AM	4:00PM
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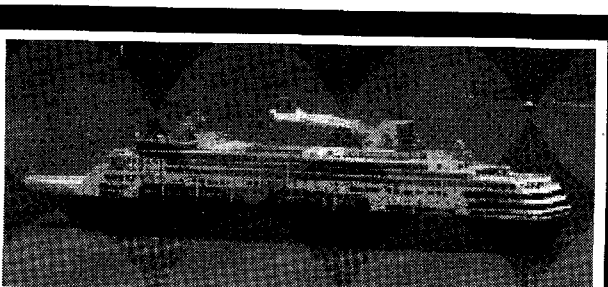

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COMMENT

(Continued From Page 6)

pro-Democratic 527s are given "free rein to make soft-money campaign expenditures against President Bush," then "there is no doubt this will quickly be followed by pro-Republican 527 groups also operating outside the campaign finance laws...and it's back to the soft-money races." The existence of 527s does provide an avenue for purchasing influence—albeit one not as direct as the old soft-money scheme.

But a major rule change mid–campaign season would be a bit suspicious. The FEC has displayed little past interest in being a watchdog or curbing such end runs around the law, as when billionaire Sam Wyly financed pro-Bush attack ads against John McCain in 2000. Any new rule must be carefully constructed to avoid choking off legitimate issues-oriented speech that happens to mention a candidate. In addition, as Common Cause and the Brennan Center for Justice have argued, Congress, not the FEC, should be the body to handle the tricky matter of legislating 527s (though no doubt its members are hardly eager to enter that fray).

The 527 controversy demonstrates that critics of the piecemeal McCain-Feingold measure were to some extent right: Try to dam the stream of campaign dollars and it will flow elsewhere. It also shows, yet again, the need for comprehensive reform—like public financing of federal primary and general elections—that can level the playing field for candidates and keep special-interest money from dominating politics. The 527s are a problem, but not the only one in a system overrun and contaminated by big money. As much as members of Congress may hate to hear this, they need to get back to work on campaign finance reform. DAVID CORN

The Cruelest Month

Like mushrooms after a spring rain, signs pop up at this time of year in hardscrabble urban neighborhoods across the country, promising quick and easy money. You might get the impression that they mean actual tax refunds from Uncle Sam, but they don't. The advertised cash is really a bank loan made against the expected return, carrying staggering annual interest rates that can range from nearly 90 percent to 1,800 percent, including fees. In the trade it's called a "refund anticipation loan," a RAL. More than half the people who get RALs have incomes low enough to qualify for the federal earned-income tax credit, one of the last shreds of the social safety net. Taxpayers spent an estimated $1.5 billion for RALs and related fees in 2002.

H&R Block, America's best-known tax preparation service, got a nice piece of the action. In 2001 H&R Block arranged 43 percent of all refund loans, working with big-name institutions like Household Finance, the leading provider of RAL funding. In 2002 H&R Block realized a 57 percent profit on RAL business.

It's a well-thought-out and—thus far—perfectly legal scam, in which the tax professional calculates the amount of the customer's refund and offers an instant refund, which turns out to be a loan provided by a collaborating bank. The customer gets a check for the amount of the refund, all right, but minus a healthy percentage deducted for interest along with an average $32 fee to the tax preparation service for arranging the loan and another $25 fee for the lending bank. The National Consumer Law Center estimates that the three fees plus interest on the average refund of $2,100 add up to $250. The arrangement even includes a "dummy" temporary account in the taxpayer's name, set up by and for the bank to receive the refund.

Denise Hylton, a 40-year-old health unit coordinator at Tampa General Hospital who earns around $24,000 a year, had gone to H&R Block for tax preparation for six years, she recalls, before she understood that her "refund" was a loan at 88 percent interest. Last year the federal government owed her $4,295, but she got two payments that added up to some $3,800. "They took $480 out of the first check. That could have been another mortgage payment or money to feed my grandchildren," she laments. Worse yet, she realizes that she lost that kind of money each year she hired H&R Block, a total of at least $4,000, she estimates.

Organizations like the National Consumer Law Center and the Consumer Federation of America have been monitoring RALs and waging legal battles against them for several years (see www.consumerlaw.org and consumerfed.org). Now the community organizers of ACORN have zeroed in on H&R Block in particular as the biggest RAL offender, both for the volume of business it does and for what ACORN calls its aggressive and misleading marketing tactics. National ACORN organizer Lisa Donner says customers coming in for tax preparation are given deceptive information to deter them from pursuing less expensive options than RALs, and many, like Hylton, are unaware that their upfront cash is a loan.

ACORN also accuses H&R Block of marketing to the poor, who need their refund as soon as possible, by emphasizing fast cash, playing on the belief that there's an impossibly long lag-time between tax filing and tax refund. That can be true if tax returns are snail-mailed, but electronic filers receive refunds in eight to fourteen days. Donner points out that those getting tax-prep help from H&R Block would likely have their taxes filed electronically. Moreover, IRS-supported Voluntary Income Tax Assistance Program centers offer free or low-cost tax preparation, along with the e-filing that speeds up the refund; ACORN activists leaflet at H&R Block offices to direct low-income taxpayers to the VITA centers.

The ACORN campaign against H&R Block was launched in mid-January, with noisy pickets outside the firm's offices in fifty-five cities by January 31. ACORN hopes to shame H&R Block into dealing more forthrightly with consumers. Philadelphia activists went so far as to occupy an H&R Block office, plastering leaflets inside and out. But ACORN and other advocates are also digging in for the long term, aiming for anti-RAL legislation at the state level using a model developed by the National Consumer Law Center and based on North Carolina's anti-RAL law, the strongest in the nation.

Hylton, now an ACORN leader in Tampa, speaks with spirit about pursuing legislation against RALs. "I consider it legalized loan-sharking," she declares. Of her own losses, she sighs, "I would love to have my money back. For real." BOBBI MURRAY

Bobbi Murray lives in Los Angeles and writes frequently on economic justice issues.

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L'Amérique, Mon Amour

DANIEL LAZARE

DEMOCRACY IN AMERICA. By Alexis de Tocqueville.
Translated by Arthur Goldhammer. Library of America. 941 pp. $35.

WRITINGS ON EMPIRE AND SLAVERY. By Alexis de Tocqueville.
Translated and edited by Jennifer Pitts. Johns Hopkins. 277 pp. Paper $21.95.

Along with the Bible and *Moby-Dick*, Alexis de Tocqueville's *Democracy in America* has got to be one of the world's least-read classics. Sure, a lot of people dip into it in college, and the more assiduous among us learn that there is no better way to spice up a poli-sci term paper than with a Tocquevillism or two. But life is short, and 900-plus pages on the glories of Jacksonian democracy are long, which is why almost everyone reads a chapter here or there and leaves it at that.

This is unfortunate, because reading *Democracy in America* the way it was meant to be read, i.e., from cover to cover, can be a valuable exercise in demythologizing. Tocqueville's book is not all bad. It is interesting on the subject of slavery and the plight of the Indians, and its discussion of the contrasts between the Virginia and Massachusetts Bay colonies is downright insightful. But its shortcomings are impossible for all but the most ideologically blinkered to ignore. Although Arthur Goldhammer, the distinguished translator of the Library of America's new edition, dutifully praises Tocqueville's prose style for its "almost paradoxical combination of solidity and grace," the truth is that *Democracy in America* is windy and repetitive. If Roddy Doyle thinks James Joyce could have used a good editor, then Tocqueville could have used an entire team. *Democracy in America* is also humorless and, oddly enough for what is at least on some level a travel book, nearly devoid of local color. Anyone interested in the actual look and feel of the pre–Civil War United States would be better off consulting Dickens's *American Notes* or, even better, the highly amusing *Domestic Manners of the Americans*, a travelogue by a Tory Englishwoman named Frances Trollope (mother of the novelist Anthony Trollope), so acerbic that it still raises patriotic hackles.

Politically, Tocqueville gets a few things right about the country he toured for nine months in 1831–32, but considerably more wrong. He reported that slavery was in retreat at a time when it was undergoing its most furious expansion, that democratic sentiment would prevent a weak federal government from interfering with individual states wishing to go their own way and that slavery in the South would likely end in some sort of racial Armageddon (in contrast to the Civil War, in which whites and blacks fought jointly against the Southern slavocracy). Because he saw democracy as arising out of the middle class, for whom he felt the aristocrat's characteristic disdain, he believed that the society it gave rise to would never be more than mediocre. Democratic nations, he wrote, would never produce great leaders or great writers or develop a taste for martial glory. During the cold war, pundits loved to cite Tocqueville's prediction that the emerging mega-states of America and Russia would one day "sway the destinies of half the globe." Now that the world has gone from two superpowers to one, that

Not only did Tocqueville praise American democracy to the skies, he wrote as if America had a veritable patent on the genre.

Daniel Lazare is the author of, among other books, The Frozen Republic: How the Constitution Is Paralyzing American Democracy *(Harcourt). He is currently at work on a study of Judaism, Christianity and Islam for Pantheon.*

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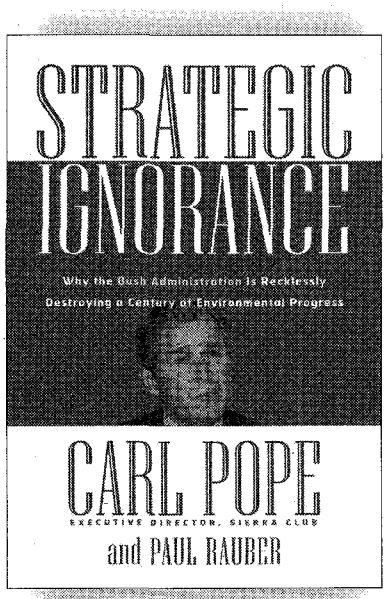

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forecast no longer seems so impressive.

So why all the praise for an often woolly-headed work that is not even that well written? One reason is that *Democracy in America* is immensely flattering toward its subject, and Americans love to be flattered. To be sure, Tocqueville found much to criticize during his visit. He thought Americans carried patriotism to absurd extremes, that their obsession with money was a bore and that racism was even more appalling in the North than in the South. On the other hand, not only did he praise American democracy to the skies, he wrote as if America had a veritable patent on the genre. For Tocqueville, the infant United States was democracy in the same way that the infant Soviet Union would define socialism for many observers in the 1930s.

But even more important than Tocqueville's description of American democracy was his discussion of how it had emerged. Despite his aristocratic background, Tocqueville believed popular self-government was the wave of the future. But as a member of a family decimated by the Terror of 1793–94—his own father's hair had turned white at age 22 waiting to be guillotined, while the same experience had reduced his mother to a nervous invalid—he was terrified of the popular revolution needed to bring it about. His fascination with America stemmed from his belief that, the Revolutionary War notwithstanding, it had arrived at the first without passing through the second. Rather than building democracy from the ground up, a process that struck him as necessarily bloody and perilous, it had fallen into one that was ready-made. *Democracy in America* quotes reverently from the Mayflower Compact, in which the Pilgrims vowed to form themselves into "a body of political society, for the purpose of governing ourselves." To Tocqueville, this was popular sovereignty in embryo. Rather than lopping off the heads of the aristocracy, the Pilgrims merely had to plant the seeds of democratic self-government and watch them grow. Democracy was able to unfold organically in a way that was impossible in less benign environments.

"The great advantage of the Americans is to have come to democracy without having to endure democratic revolution and to have been born equal rather than become so." So *Democracy in America* sums up popular sovereignty's Immaculate Conception in the New England wilderness. What's more, America's was not just non-revolutionary, but anti: "Men in democracies"—which is to say in the United States—"change, alter, and replace things of secondary importance every day but are extremely careful not to tamper with things of primary importance. They like change but dread revolutions." In Europe, democracy was assumed to be radical. In America, it was assumed to be the opposite. The more democratic the society, the less taste it would have for anything smacking of fundamental upheaval.

Needless to say, this has been music to right-wing ears, which is why Harvey Mansfield, professor of government at Harvard and Olin Foundation favorite, has pronounced *Democracy in America* to be "the best book ever written on democracy and the best book ever written on America"; and why the American Enterprise Institute's Michael Ledeen recently published a volume with the intriguing title *Tocqueville on American Character: Why Tocqueville's Brilliant Exploration of the American Spirit Is as Vital and Important Today as It Was Nearly Two Hundred Years Ago*. People like Mansfield and Ledeen are grateful to Tocqueville for establishing what they see as a virtual US copyright on the D-word and all that it stands for. Other countries may claim to be democratic, but only the United States is the real thing. Where others must learn about the doctrine, it knows. To grow as a democracy, it merely has to be true to itself.

But popular sovereignty is not an easy subject, and *Democracy in America* is best understood as part of Tocqueville's lifelong effort to come to grips with some of its paradoxes. Contrary to common belief, popular sovereignty does not mean just popular power but, rather, supreme power, which is to say power answerable only to itself and hence unconstrained by any outside force. Tocqueville claimed to support sovereignty, but at the same time feared that untrammeled popular authority could all too easily devolve into tyranny of the majority. In the absence of any countervailing force, what was to prevent a sovereign people from behaving just as repressively toward their enemies as the *ancien régime* had behaved toward them? A monarch, Tocqueville observed, "can instantly punish any faults that he perceives, but he cannot presume to perceive all the faults that he ought to punish." But popular sovereignty "is not only all-powerful but also ubiquitous," a true panopticon. What was to stop the democratic majority, then, from falling into even worse despotism? By itself, Tocqueville feared, the answer was nothing, which is why he devoted his life to searching for some means to structure democracy from within so that popular power

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would be simultaneously supreme yet constrained by some higher concept of law or morality.

Thus his fascination with the United States, which he believed had discovered the philosopher's stone needed to turn revolutionary democracy into its opposite. He marveled at the ingenious mechanisms that the new republic had come up with. "In America," he wrote, "the Constitution...is the source of all power"—the Constitution, that is, and not the people who had ordained and established it. Thanks to a healthy distrust of centralized authority, Americans had made sure that federal power would be "hobbled and incomplete" so that "the exercise of that sovereignty poses no danger to liberty." As a good Jeffersonian—Jefferson, he declared, is "the greatest democrat yet to emerge from the bosom of American democracy"—Tocqueville assumed that democracy was strongest at the base and dissipated the higher up the governmental pyramid one went. Because Jeffersonian democrats identified most strongly with the immediate and the tangible, which is to say with their community and state as opposed to distant and abstract federal government, "it appears certain that if one portion of the Union seriously wished to separate from the other, it could not be prevented from doing so." Remarkably, *Democracy in America* advances a constitutional theory that would later become a cornerstone of Confederate ideology: the notion that the Union was no more than a contract among free and independent states, one that the parties to the agreement could dissolve anytime they wished. As Tocqueville put it:

> The states formed the confederation of their own free will. In uniting, they did not forfeit their nationality and did not merge into a single people. If one of those states today decided to remove its name from the contract, it would be rather difficult to prove that it could not. If the federal government chose to contest this decision, it is not obvious that it could back up its choice with either might or right.

Either Harvey Mansfield skipped this passage or he is more of a neocon—short for neo-Confederate—than most people realize. Tocqueville was right on one count: The Constitution was indeed ambiguous on the secession issue, which just goes to show what Lincoln and his fellow Republicans were up against some two or three decades later. Rather than "prove" that the states did not have a constitutional right to go their separate ways, the best they could come up with was to insist that the nation as a whole trumped any notion of states' rights. By declaring itself independent in 1776, the nation had transformed thirteen disparate colonies into thirteen states. Because it had given rise to the states, it was their superior, and consequently was in a position to determine whether they should stay or go. The argument was not so much unconstitutional as extra-constitutional: If the Constitution was above federal, state or local law, then the nation was above the Constitution. As tenuous as this may have seemed, the support of the people—the people of the nation-state, not of the smaller individual states—was all that was needed to give the doctrine life. Lincoln may have been on weak ground legally, but he was on the strongest possible ground democratically.

"No one in the United States," Tocqueville noted, "has yet dared to propose the maxim that everything is permitted in the interest of society—a wicked maxim that seems to have been invented in an age of liberty to legitimize all the tyrants of the future." The idea that democratic society could do whatever it wished—that it imposed law rather than obeyed it—was indeed a basic tenet of Jacobin ideology, which explains Tocqueville's horror. Yet Lincoln would advance roughly the same

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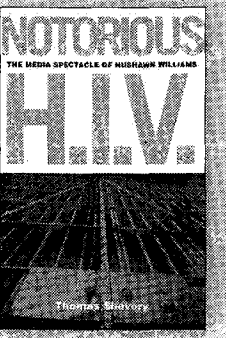

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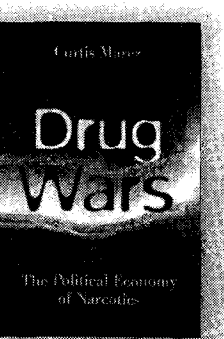

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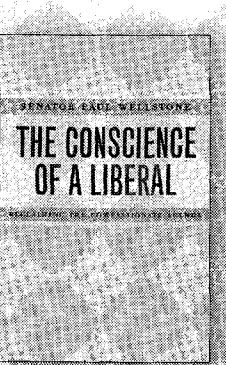

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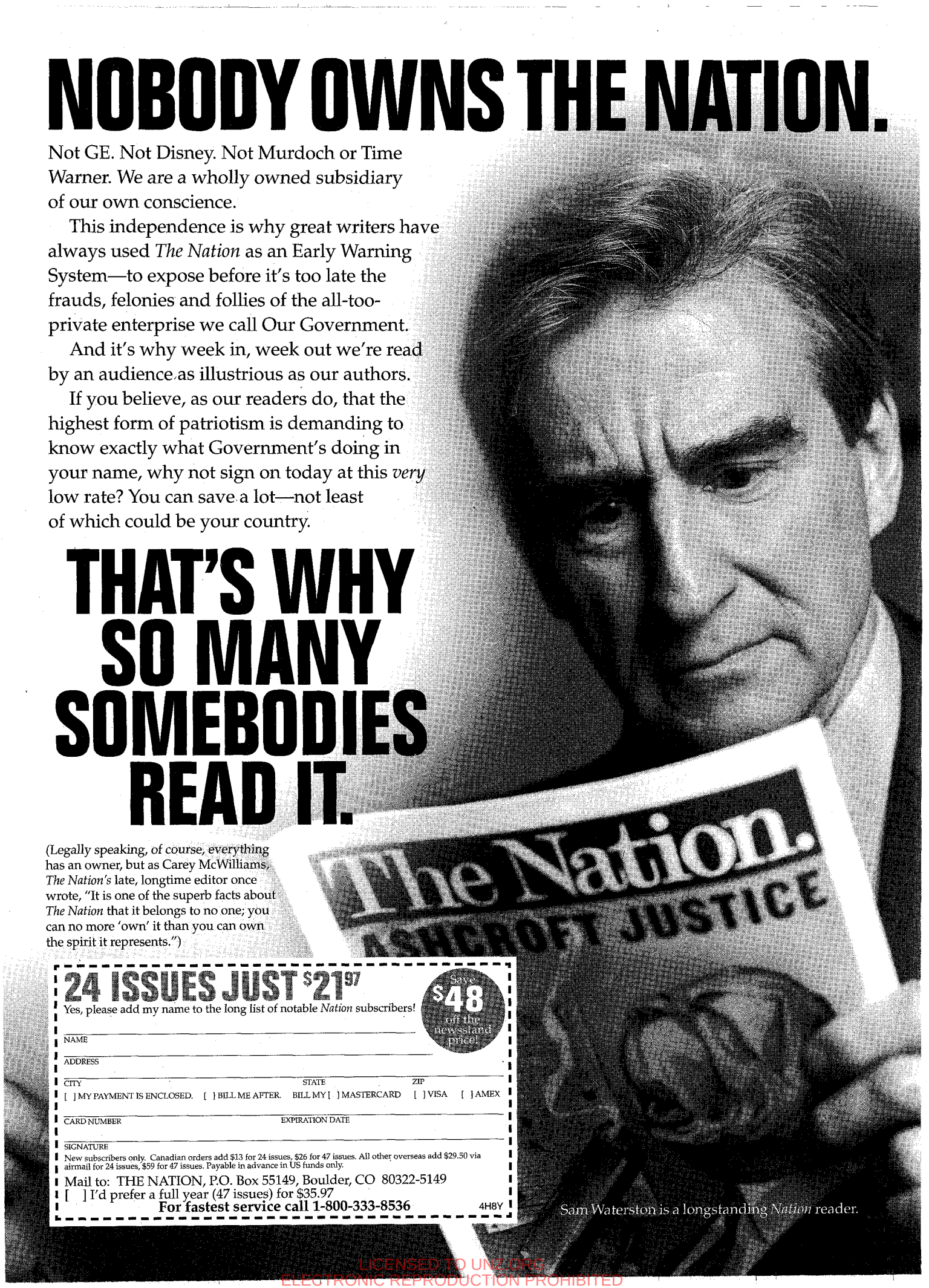

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thesis when he declared during the Civil War that "measures, otherwise unconstitutional, might become lawful by becoming indispensable to...the preservation of the nation." Rather than limited, democracy was unconstrained when its existence was threatened. The only law it was obliged to follow was the law dictating its own survival. While it could adhere to constitutional restraints if it so chose, it could shake them off whenever it felt that circumstances warranted. Either way, it was the final arbiter of its own actions. Tocqueville was wrong in seeing American democracy as in any way anti-revolutionary. To the contrary, in order to achieve what Lincoln called "a new birth of freedom," it would have to undergo a democratic revolution that, in terms of sheer body count, was roughly ten times bloodier than anything seen in France in 1789–94. The revolution had not arrived yet, but it would shortly.

Following publication of the first volume of *Democracy in America* in 1835 (a second, less successful volume appeared in 1840), Tocqueville won a seat in the Chamber of Deputies and turned his attention to French colonial policy, writing a series of articles, speeches and parliamentary reports that Jennifer Pitts assembled a few years ago in a highly useful collection, *Writings on Empire and Slavery*, which recently appeared in paperback. Still searching for some means of controlling the democratic volcano, Tocqueville now argued that colonial expansion was the key. Any nation that abandons its imperial responsibilities, he warned in an essay published in 1841, "visibly enters the period of its decline." An imperial power in decline is one that ceases to overawe the masses and opens itself up to revolution from below. Moreover, Tocqueville said, industrialization had added a dangerous element to the mix. In a remarkable foreshadowing of *The Communist Manifesto*, he wrote in 1843:

> Here is what we see today in all the great nations of Europe: the working class is increasing everywhere; it is growing not only in numbers but in power; its needs and its passions so directly influence the well-being of states and the very existence of governments, that all the industrial crises threaten more and more to become political crises.

Hence the importance of colonial markets, which served to bolster exports, buttress industrial expansion and temper the business cycle. Imperial expansion was essential to both economic growth and what Tocqueville described as "more tranquil" class relations at home.

This was Marxism *avant la lettre*. As a thoroughly modern imperialist, Tocqueville argued for colonial policies that were more rational and efficient, but no less brutal as a consequence. In Algeria, which France had begun conquering in 1830, he called for less micro-management on the part of government bureaucrats in Paris and greater leeway for colonial administrators on the scene. While initially optimistic concerning the prospects for peaceful coexistence, he was soon calling on troops to burn Arab and Berber harvests, seize unarmed civilians and "ravage the country" to quell resistance. In 1837 he predicted that Algerian Muslims and French settlers would eventually merge "to form a single people," observing: "God is not stopping it; only human deficiencies can stand in its way." But amid continued bloodshed, he declared four years later: "The fusion of these two populations is a chimera that people dream of only when they have not been to these places." To better prosecute the war, he urged that a certain Gen. Louis de Lamoricière be placed in charge even though he showed "an extreme disdain for human life" and was without "an atom of liberalism in his person." Liberals had to forgo their scruples abroad in order to achieve their goals at home.

Tocqueville's advice to the French soldiers pacifying Algeria was to burn Arab harvests and 'ravage the countryside.'

Tocqueville was not a racist, and there is no evidence that he regarded Arabs as inherently inferior. But the notion that they might have the same national aspirations as other people was simply beyond his ken. Whatever popular sovereignty's fate within France, the only sovereignty that mattered outside was French sovereignty over any and all conquered peoples and territories. While colonial administrators should respect Arab customs and try to work with traditional Arab leaders, Tocqueville emphasized that "political power... should be in the hands of the French." That was one privilege they must not relinquish if they wished to hold on to their conquests.

Tocqueville also employed what might be called a democratic-imperialist approach to the issue of slavery. Britain had astonished the world in the 1830s by unilaterally freeing approximately a million slaves in Jamaica and its other Caribbean possessions. Predictions of disaster had proved unfounded. Newly freed slaves had not slaughtered their ex-masters at the first opportunity; to the contrary, as Tocqueville pointed out a decade later, they had "lost no time in displaying all the tastes and acquiring all the needs of the most civilized peoples." Rather than lapsing into barbarism, they had proved to be just as rational in calculating where their self-interest lay as whites. Emancipation, Tocqueville wrote, had shown that the typical ex-slave was "active when he worked for wages, avid for the goods offered by civilization when he could acquire them, loyal to the law when the law had become benevolent toward him, ready to learn as soon as he had perceived the utility of instruction, sedentary when he had a home, regular in his mores when he had been permitted to enjoy the joys of family."

If the colonial authorities created a political, economic and legal structure that encouraged thrift, labor and a sense of responsibility, the ex-slave would react accordingly. What mattered was not race but the larger circumstances in which the individual worked and lived. It was entirely up to the people in charge, i.e., the French, to determine whether their colonial possessions would grow or fall back into economic stagnation.

Thus, emancipation was advanced as a means of reinvigorating colonialism. If Tocqueville saw any contradiction between loosening bonds on one level and tightening them on another, he gave no indication. To the contrary, as a devotee of *la mission civilisatrice*, he saw freedom as a gift that France conferred. "These notions of freedom and equality that are weakening or destroying servitude everywhere: who spread them throughout the world?" he asked. "The English are doing nothing at the moment but applying *our* principles in their colonies. They are acting in accordance with what we still have the right to call the *French sentiment*." The purpose of French imperialism was not only to increase French profits but to open up new fields for *liberté, égalité, fraternité* to conquer.

Needless to say, it is attitudes like these that would later get the French into such trouble in Algeria and Vietnam and that are still getting the United States into trouble today. More than just a pioneer of liberal constitutionalism, Tocqueville was a pioneer of liberal self-delusion.

Tocqueville thought of himself as a progressive and even as a bit of a leftist, but as events soon showed, that was de-

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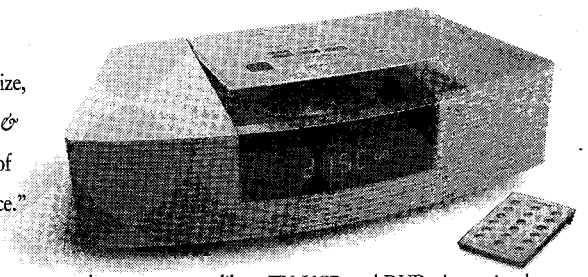

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lusory as well. By 1847 he was arguing against an extension of the suffrage on the grounds that it might contribute to the growing political disorder. In January 1848, he warned the Chamber of Deputies that a fresh wave of upheaval was impending: "Do you not see that the earth trembles anew? A wind of revolution blows, the storm is on the horizon"—a storm he still hoped to avert. When revolution in fact broke out a month later, he attempted to drum up support for a scheme to replace King Louis-Philippe with the King's grandson, the 9-year-old Comte de Paris, as head of state. The idea went nowhere and a republic was declared instead, whereupon Tocqueville attempted to use his seat in the newly formed Constituent Assembly to steer it as much in an American, which is to say conservative, direction as he could. He argued for a bicameral legislature and a separately elected presidency, and in June helped oversee the suppression of a major working-class uprising in Paris. In a letter to a friend, he described the subsequent wave of street-fighting as "the most terrible of all civil wars, the war of class against class, of those who have nothing against those who have." Given his lucrative family estate in Normandy, it is hardly surprising that he sided firmly with the latter.

Once again, Tocqueville sought to impose order from above on democratic forces welling up from below. Limited government, as he conceived of the term, ultimately boiled down to limited democracy—democracy that was not only subject to severe constitutional constraints from without but deficient in terms of its ability to learn and grow from within. In America, this meant arguing that democracy could not, and therefore should not, attempt to transcend Jeffersonian shibboleths about states' rights and local control. In France, it meant attempting to split up and weaken the democratic movement at precisely the moment it needed to marshal its resources as a whole. Tocqueville's proposal for a bicameral legislature went nowhere, but all too unfortunately, his proposal for a separate presidency caught on. Elections were held in 1849, and Louis Napoleon, a political adventurer who happened to be the late emperor's nephew, won in a landslide on the basis of little more than name recognition and a carefully crafted appeal to liberal reformists and the authoritarian right. The upshot was an increasingly dangerous deadlock between the legislative and executive branches, a problem that the prince-president, as he was known, resolved in De-

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cember 1851 by abolishing the republic, shuttering the Constituent Assembly and declaring a new empire with himself at the head as Napoleon III.

In his efforts to limit democracy, Tocqueville had wound up limiting it to the point of collapse. In 1848 he had argued that liberals wishing to counter the social threat would have to join forces with the most authoritarian elements, "men for whom one feels the most legitimate repugnance." Following Louis Napoleon's coup d'état, he now complained that the French public "is mad with fear of the socialists" and, as a result, "is incapable and, though I say it with much regret, unworthy of being free." Given that the people had fallen short of the great man's expectations, there was nothing for him to do but retire to his estate, where in 1859 he died of tuberculosis. In France, Tocqueville, who is completely at odds with the national tradition of *dirigisme*, is a minor intellectual figure. Only in America, where democracy has been checked and balanced to the point of collapse, does his cult live on. ■

Prison Without Walls

JENNIFER EGAN

LIFE ON THE OUTSIDE: The Prison Odyssey of Elaine Bartlett.
By Jennifer Gonnerman. Farrar, Straus & Giroux. 354 pp. $24.

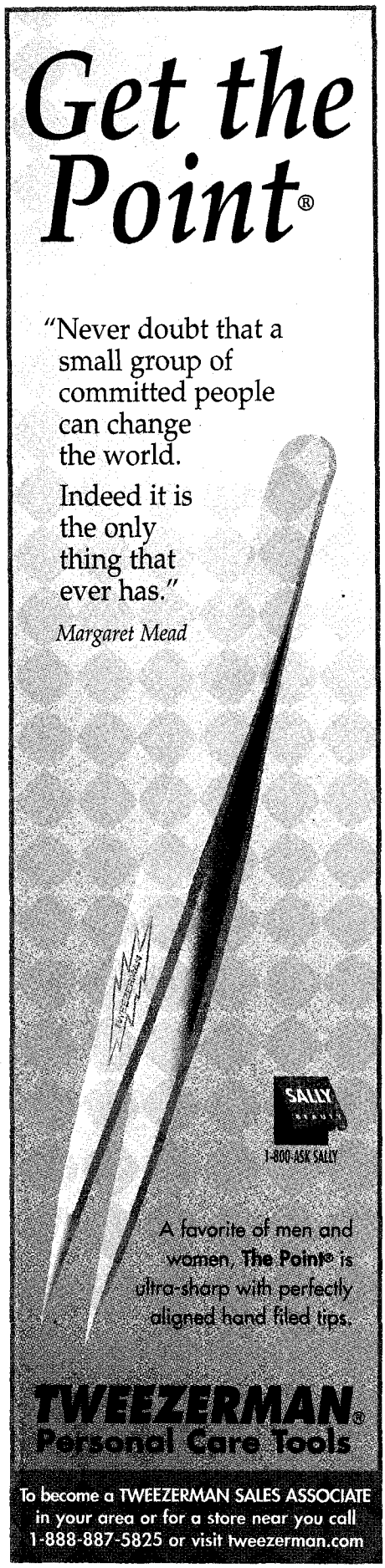
Our nation's two-decade spree of building prisons and sentencing even nonviolent criminals to long spells inside them has produced a staggering number of incarcerated people in America—more than 2 million as of last year, a record. Equally shocking, though seldom discussed, is the fact that more than 30 percent of that number, 630,000, will be released *in the next year*. A small but growing body of literature has begun chronicling the struggles of this cataract of former prisoners and parolees to rejoin a society where they're alienated and stigmatized, and where they often had few resources to begin with. *Life on the Outside*, Jennifer Gonnerman's account of Elaine Bartlett's sixteen-year imprisonment and 2000 release, makes a timely and valuable addition to this body of work. By detailing the impact of Bartlett's absence and reappearance on her extended family over a period of years, Gonnerman opens a window onto the American underclass, where cycles of poverty, drug use, homelessness and poor mental and physical health interlock to form a kind of prison of their own.

Since her release from prison by an act of clemency from Governor George Pataki, Elaine Bartlett has become active in the movement to repeal New York State's draconian Rockefeller drug laws, which mandate stringent sentences for drug-related convictions. Bartlett's experience epitomizes the far-reaching consequences of these laws: Convicted of ferrying four ounces of cocaine to Albany for an acquaintance who turned out to be a government informant, Bartlett landed a minimum sentence of twenty years, although she had no prior history of arrests or convictions. She left four children behind, the oldest of whom was only 10.

Gonnerman begins her story with Bartlett's version of the events leading up to her arrest, then devotes a fair chunk of her book to Bartlett's prison time at Bedford Hills, where Gonnerman met her in 1998 while covering state prisons for the *Village Voice*. Ultimately, she tracks Bartlett through the first three years after her release. Along the way she also provides some history of Bartlett's mother, Yvonne, who came to New York in 1950 from Alabama, had seven children and was eventually saddled with the task of raising Bartlett's four children. In this sense, *Life on the Outside* encompasses the sweep of black New York, from the heroin-soaked days of Claude Brown's *Manchild in the Promised Land* to the present-day vicissitudes of Rockefeller and workfare.

The book is hugely compelling, in large part because the stakes for Bartlett and her family—many of whose members we come to know fairly well—are so high. One of the most poignant strands of the story involves Bartlett's younger son, Jamel, who was 6 when she went to prison. Gonnerman writes that of Bartlett's four children, Jamel "was the most needy and the most aggressive. In the visiting room, the only place he wanted

Jennifer Egan's most recent novel is Look at Me *(Anchor).*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to be was in her lap.... At the end of every visit, he cried and refused to leave, clinging tightly to Elaine's legs. When the guards tried to pull him off, he kicked and punched them." Jamel lived in his grandmother's overcrowded public housing unit on the Lower East Side, with little supervision; his surrender to a life of drugs and crime unfolds with the bitter predictability of a Greek tragedy. "When he was ten years old, Jamel joined the neighborhood's most lucrative industry," Gonnerman writes. "He became a runner, transporting packages of heroin and cocaine for the older dealers. Each trip to another block or another borough could earn him $100.... After an hour or two of work, he could buy a meal, a new pair of sneakers, a gift for a girl." At 12, he buys a gun. And by age 16, Jamel is locked up himself—accused with two others of robbing a cab driver at gunpoint. He writes to his mother from Rikers Island: "Mommy you no why I was crying when I was talking to you on the [phone] is because I miss you I love you and I just can't take the fact that your not home with me and it ain't just when I talk to you every time I see you or think about you I cry mommy." He concludes: "while I'm here I'm going to get everything straight so when I go home I could do something with my life and make you proud of me." But the reader senses, correctly, that such an angry, vulnerable boy will have a hard time resisting the undertow that has already dragged him out to sea.

Gonnerman deserves credit for her sustained and thorough reporting. She won the trust of her subjects and logged many hours in their company. The result is a mulch of rich detail: the fact that each prisoner was allotted twenty-four sanitary pads a month, the fact that Bartlett sometimes used one of these pads to wax the floor of her prison cell, the precise view from the prison yard where Bartlett often went to smoke marijuana. "Looking through the barbed wire and the many yards of trees, she could see cars whizzing down a highway," Gonnerman writes. "Some afternoons, she would stand right next to the fence and stare at the road for hours. Other days, she would climb onto one of the wooden picnic tables to get a better view. The faint whoosh of cars reminded her that life went on in the outside world."

It's hard not to compare Gonnerman's book to Adrian Nicole Leblanc's *Random Family: Love, Drugs, Trouble and Coming of Age in the Bronx*, published last year, which also chronicles years of struggle in an impoverished extended family, two of whose members (one a young mother) spend many years in prison, to the enormous hardship of their children. Both Gonnerman and Leblanc were clearly witnesses of many of the scenes they describe, but both chose to erase themselves from the narrative, never addressing the reader in the first person (Gonnerman goes so far as to talk about the impact on Bartlett's life of "a lengthy article about all she had endured during her first year out of prison," published by the *Village Voice*, without mentioning that she herself wrote the article).

The two books part ways diametrically, however, on the issue of polemics. While Leblanc refrains from making any broad points about race, class and public policy, letting her subjects' words and lives do the storytelling—a strategy that has its own pitfalls—Gonnerman's agenda is instantly and at times oppressively visible. In a prologue, she writes, "Today a felony record functions like an invisible scarlet letter, ensuring that former inmates are treated as outcasts whose debt to society can never be fully repaid. These myriad restrictions have transformed America into a two-tier society, in which millions of ostensibly free people are prohibited from sharing rights and privileges enjoyed by everybody else. The division between these two worlds falls along lines of race and ethnicity. Nearly two-thirds of people leaving prison are African American or Hispanic."

This is strong stuff, and it raises enormous questions: Is Gonnerman saying that parole should be abolished? Which rights in particular does she think felons are being unfairly deprived of? Does she draw any distinction between felons who have committed violent, versus nonviolent, crimes? Is she suggesting that the parole system is an overt tool of racially motivated repression? Sound argument no doubt exists on all of these topics—John Riley's three-part series in *Newsday* last year, which probed the contradictions inherent in depriving felons of employment and housing rights, shores up some of Gonnerman's claims more concretely than she does.

In fact, Gonnerman's book never takes on most of the issues her prologue raises, but the aggrieved tone of those early paragraphs crops up again and again in *Life on the Outside*, exposing a danger of advocacy journalism: A writer's obvious bias can short-circuit the sympathy she hopes to evoke for her subjects by prompting wariness among readers who feel railroaded toward a point of view they may even share. When Bartlett appears in court in 1984 for her trial, Gonnerman writes,

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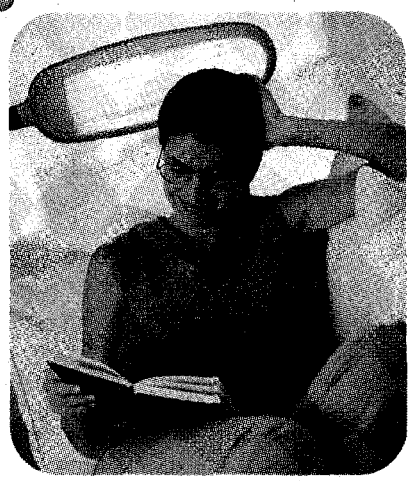

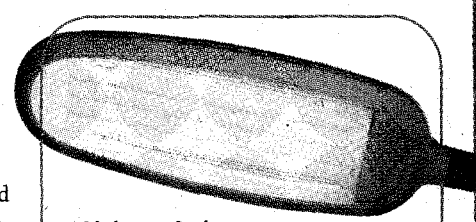

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> Sixty-four nights on a jail cot had left her completely exhausted. Her hair was straggly and flat. All the polish had peeled off her nails.... If she had come from a wealthy family, she might not have looked so haggard. If she had found somebody to bail her out, she could have spent the last nine weeks living in her own apartment. Her hair would have been bouncy and clean. She would have had on a fresh, well-pressed outfit to impress the jurors.

Gonnerman is right; surely someone from a wealthy family would have looked better at trial. Still, her tendency to bombard the reader with comparisons like these can be wearing. Later in the book, describing Bartlett's visit to her parole officer, Gonnerman writes, "There were no copies of *Newsweek* or *Vanity Fair* or any other magazine in this waiting room. The only reading material was the large sign hanging near the front: Waiting Area Rules." Would it bear mentioning that glossy magazines are also absent from Passport Offices or Departments of Motor Vehicles or any other government office that churns through scores of people in a day? Probably not.

Gonnerman's injured tone most compromises *Life on the Outside* when she tries to rationalize her subjects' questionable moves by suggesting that a larger, fault-ridden system is really to blame—that the injustice of their poverty outweighs, and therefore excuses, any crime they might personally commit. When Bartlett's son Jamel is freed in 2001 after his third prison sentence, he clashes with his new parole officer within a month. Jamel seems determined to defy her, even if it means finishing out his sentence in jail. Gonnerman writes, "Jamel had thought he was free after he left prison, and now, once again, he felt the grip of the criminal justice system tightening around him." But wait a minute—why would a three-time veteran of the criminal justice system have "thought he was free" immediately upon release? Jamel's reaction to his parole officer is proud, wrongheaded and utterly human—even sympathetic. By trying to pretty it up, Gonnerman just gets in the way.

Similarly, she tries to mitigate the impact of Bartlett's violent temper, which at one point nearly leads her to punch out her crack-addled sister, Sabrina. "She carried so much rage inside her all the time that she was always looking for a way to release it," Gonnerman writes of Bartlett. "There would be sixteen years of pain and frustration behind every one of her punches. When she punched Sabrina, she would also be punching [the man who set her up], Judge Clyne, and everyone else who had enraged her over the years." The problem here isn't just with the fact that Gonnerman states the obvious but with the prose itself; she has a habit of stepping into her narrative and glossing people's emotional states in terms so familiar that they blur, rather than reveal, her subjects. After detailing the physical injuries Bartlett sustained during her prison time, Gonnerman writes, "Elaine carried many invisible scars, too. Prison damages everybody, no matter how educated they become or how much they believe they have not changed. Despite her best efforts not to become bitter, Elaine still carried with her sixteen years of frustration and rage. Her wounds were not yet visible, but in the days and months to come, the true toll of her lengthy imprisonment would become apparent." All true, no doubt, but clichéd to the point of blankness.

Gonnerman is much more effective when she lets her subjects speak for themselves. Later in the book, when Bartlett actually does hurl a punch at her daughter, Danae, she's left feeling helpless and guilty after Danae quite naturally recoils from her. Here, Gonnerman lets Bartlett do her own rationalizing, and the hollowness and futility of it are actually poignant: "the way kids are today and how disrespectful they are, they need to be knocked on their ass," Bartlett rumbles, straining for the last word. "That's the bottom line. They ain't got no respect."

The story Gonnerman tells is fundamentally sound enough not to require her explanations and apologies to prop it up. And while one family's saga can't justify the blanket swipes Gonnerman takes at the criminal justice system early on, her book is a devastating indictment of her more immediate target: the Rockefeller drug laws. Having watched the crushing effect of Bartlett's sixteen-year absence on her children, and her helplessness to undo that damage after she's finally released and their formative years are long behind them, the reader is left with little doubt that these laws are senseless and destructive. By what possible logic can we, as a society, have profited by locking up Elaine Bartlett for sixteen years, when one of her children is now spending his adulthood cycling between crime and prison? Of course, other members of Bartlett's family are criminals too, and Jamel might have followed that path even if Bartlett had been at home to mother him. But it's also possible that the little boy who clung to his mother's legs each time he had to leave the prison visiting room might have turned out differently. We'll never know. ■

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FILMS

Chronicle of a Disappearance

STUART KLAWANS

THE BLONDS (LOS RUBIOS) • SPRING, SUMMER, FALL, WINTER...AND SPRING TWENTYNINE PALMS

A rough but accurate gauge of national resilience: When dictators fall, how soon do filmmakers rise again? In the case of Argentina, the recovery was impressively quick. Almost as soon as the generals were gone, artists responded to the immediate past with remarkable feature films and documentaries: Héctor Olivera's *Funny Dirty Little War* (1983) in the first category, Susana Muñoz and Lourdes Portillo's *Las Madres de la Plaza de Mayo* (1986) in the second. Since then, films inspired by the "dirty war" have developed into a large and significant subset of world cinema, with Luis Puenzo's *The Official Story*, Marco Bechis's *Garage Olimpo* and *Hijos*, David Blaustein's *Spoils of War* and (in a different mode) Fernando Solanas's *La Nube* among the most notable on the list.

We may now add to them Albertina Carri's complex and fascinating *The Blonds (Los Rubios)*, which is having its US theatrical premiere at New York's Film Forum (through April 20). It is, I admit, not an easy picture to grapple with—but then, neither is its subject matter, which is the gaping hole in the filmmaker's life.

In 1977, when Carri was 4 years old, the police kidnapped and murdered her parents, the underground leftists Roberto Carri and Ana Maria Caruso. Years passed before the little girl learned what had happened. She grew up without memories of her mother and father; and no one has been able to supply for her what was lost. Her older sisters, who do remember the parents, evidently prefer not to talk about them, at least not for the record. Former comrades, when questioned, just rehash their own experiences and discourse on politics. The neighbors who saw Ana Maria and Roberto hauled away know only that they themselves did nothing wrong and don't want trouble; and the cops, strangely enough, have a hard time recalling anything before 1983.

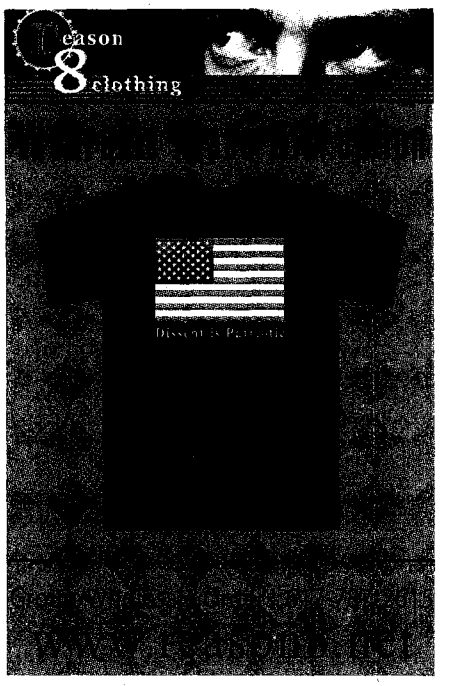
Everyone, it seems, wants to forget what Carri can't remember. (Those old friends who mythologize her parents merely consign them to a different kind of oblivion.) As if to sum up this will to amnesia, the state agency that funds film production reviewed Carri's proposal for a movie about her parents and sent back a letter—incorporated into *The Blonds*—saying that it could not yet decide whether to support this very worthy project and therefore was not supporting it.

Carri, in her various lives as baffled orphan, filmmaker and citizen, must find some way to cope with an ineradicable absence. Her response—by turns a documentary, fiction, essay, memoir and very low-budget animation—is no easier to describe than it is to categorize; but perhaps a list of topics will suggest what you may find, and admire, in *The Blonds*.

Doubles: The filmmaker you glimpse toward the beginning, conducting a hit-and-run interview with one of the parents' neighbors, turns out not to be the filmmaker. As a voiceover soon explains, she is the actress Analía Couceyro, who has been hired to portray Albertina Carri. Does this mean that Carri, for the sake of discretion, has taken herself out of the picture? No. She's on screen, too, and is often seen coaching her double.

Blonds: The neighbors used to refer to Ana Maria and Roberto as "blonds," implying that the couple were nonindigenous, inauthentic, un-Argentine. Another blond in the film—another victim of kidnapping and torture—is Melanie Griffith, who may be seen in the background of Couceyro/Carri's editing studio. She appears, bound and gagged, on a prominently displayed poster for John Waters's movie *Cecil B. Demented*.

Filmmakers: When you watch Couceyro in the studio reviewing videotaped interviews, or when she pretends to be interviewed herself or visits sites associated with the parents, you also get to see Carri's crew in action. They discuss how to proceed, conduct run-throughs, slate shots, film the filming; and as they do so, you get to know these young people. You understand that they have become Carri's present-day family and are



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the real protagonists of the movie.

Masquerades: If so, then the surrogate family and the Carri double must be blonds, too. In the last section of the film, they all put on wigs, as if to fake—or is it flaunt?—the identity that was fatally assigned to Ana Maria and Roberto.

For a filmmaker—indeed, for a generation—that has been violently severed from its elders, this duplicitous, make-believe identification may be the only form of memory available. It's a self-contradictory basis on which to live, but not without hope. In the final shots of *The Blonds*, we see Couceyro from behind, at a distance, walking down a country road, and at the same time overhear someone from the film crew saying, "It's better. The film ends with her alone." But then, the film doesn't end like that. The shot is repeated, this time with the whole film crew walking together into the distance, their ridiculous blond wigs bobbing and shaking.

It's better. She is cut off but not alone.

With its cyclical, Buddhist narrative, *Spring, Summer, Fall, Winter...and Spring* will strike some moviegoers as profound and others as profoundly clichéd. A rustic temple floats on a pond, cupped in the mountains of rural Korea; and there, in the springtime, a hermit monk (Oh Young-soo) watches and guides his child apprentice. Years pass; and one summer, when a young woman comes to the temple to be healed of an undefined malaise, the apprentice (now a young man) feels the first overpowering stirrings of desire. Autumn, some ten years later, finds the former apprentice emotionally ravaged and the old monk ready for death. You may imagine for yourself the meanings that attach to winter and the return of spring.

Archetype, or stereotype? The more curmudgeonly among us may notice that in this ninth feature film by Korea's prolific Kim Ki-duk, the wheel of sin and expiation, death and rebirth, sometimes seems a little creaky. But because Kim is willing to bet his whole movie on a single stunning last shot—a summing up of the abundant natural beauty in the film, rendered so intense that the world seems to return your gaze, as if it were a single great eye—*Spring, Summer* is likely to win over even the most determinedly antispiritual moviegoer.

Kim's first career was as a painter; but the painter's eye accounts for only part of the elegance and charm of the film, and none of its sly humor. For example, Kim knows the trick of framing a shot with an architectural element—the elaborately carved wood panels of a gate, which magically swing open at the beginning of each season, or the doorway that separates the main room of the temple from its sleeping quarters. Coupled with the gracefulness of these images, though, is a sense of what you might call the ceremonial absurd. Both the gate and the doorway are freestanding, without walls; they mark points of entry that are entirely arbitrary. In a similar spirit, the older monk's teachings sometimes take on the character of practical jokes, which grow more serious as the seasons turn. Even in autumn, when the apprentice is desperately agitated, having dragged the world's violence (and its modernity) back to the lake, the old monk is capable of writing down for his student an entire *sutra*, using as a pen the tail of a remarkably patient cat. Kim's inventiveness seems to me entirely cinematic—and not only in managing such physical details but also in guiding the performances, especially during the summertime romance between the eager, accident-prone, caterpillar-browed young monk (Kim Young-min) and the demure city girl (Ha Yeo-jin) who remains disdainful until she's not.

Other actors who turn in good performances include a frog, some snakes, a waterfall and a tree that stands in the lake. Under Kim's quietly assured direction, they all become animated—which is to say, he gives them a soul. Without that quality, the film would perhaps amount to little more than a package tour. (Take a vacation from your real problems in life! Get five seasons of Buddhism, complete with landscapes and sex, for just $10, popcorn not included.) With that quality, *Spring, Summer* is a living, breathing pleasure.

In this column, I have lavished praise on the first two films of Bruno Dumont, *La Vie de Jésus* and *L'Humanité*. Having now seen his third feature, *Twenty-nine Palms*, I must ask, in all seriousness, "What was I thinking?" Please accept my apology.

Maybe I was fooled by the language. My French is far from perfect, and my knowledge of the accent and manners of the north, around Bailleul, is nil; and so I could fantasize for Dumont a better picture than he perhaps had made. Now, though, he has ventured to make a film in the California desert, putting himself most embarrassingly in my territory.

A sulky American fellow (David Wissak) and his sex-doll of a Russian-born, French-speaking girlfriend (Katia Golubeva) set out from Los Angeles in a Hummer, which is apparently the only vehicle that Dumont considers equal to the Ameri-

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can landscape. The vast, arid spaces of Southern California fill him with fear, he's said in a canned interview, a fear so unmotivated and yet so pervasive that he was able to write the script of *Twentynine Palms* in just two weeks. Had he taken that crucial third week, I doubt he would have improved the picture. He can imagine only a handful of activities for David and Katia during their pointless stay in the desert, all of which recur with metronomic regularity: screaming at one another during fights, screaming at the ceiling during sex, eating junk food, driving around in the Hummer and being terrified whenever another vehicle drives near them. After one hour and fifteen minutes, a new element enters the picture: The Hummer sideswipes a dog. But no harm done—the pooch had only three legs to start with. After David and Katia scream some more, it hops up and limps away.

Would that they, too, had limped off the screen, and well before that moment! David is such an ineptly realized character that he doesn't even know how to buy an ice-cream cone. As for Katia, her main contributions to the proceedings are cloacal: Either she's squatting to pee in the desert or else has locked herself in the bathroom. When thugs finally descend on the couple, converting the movie's threats into reality, I sympathized with the attackers, since they were exacting on David and Katia a revenge I felt I was owed.

A charmless man torments a senseless woman in an endless, clueless film. As my dear friend Stephen Harvey used to say, "If it were any worse, it wouldn't have sprocket holes." ■

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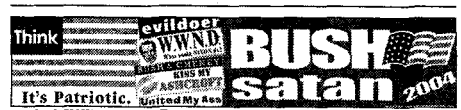

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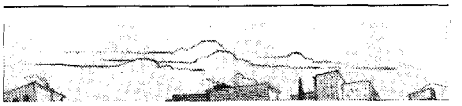

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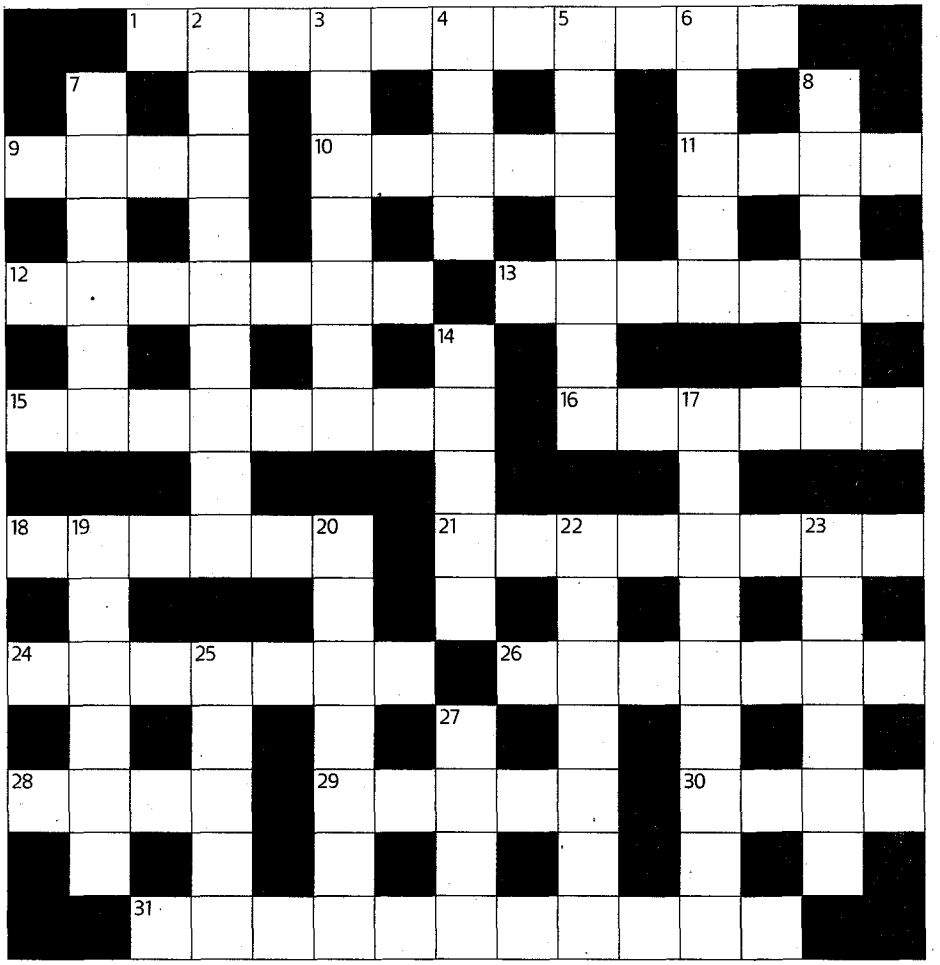

ACROSS

1 Certainly not the guy who walked a crooked mile for Mother Goose—although he is the butt of many jokes. (8,3)

9, 10, 29 and **16** Tattlers who have graduated? You dish out the dirt this way. (4,5,3,2,6)

11 Such birds are not exactly slow when they swoop down! (4)

12 Princely Companions for Twain, but sound almost as though they make weasely outputs. (7)

13 Supposedly the natal day of the graceful. (7)

15 and **4** down A well-behaved child is supposed to be up to standard for some. (2,4,2,4)

16 See 9

18 and **21** A very quiet listener in the drinking establishment doesn't quite get to lick this, and show oneself to everyone. (6,2,6)

24 A friend has what might be created with enough steam, but one gives an idea of the future. (7)

26 They do this to some foods, because it comes back to a strong beginning for you. (7)

28 and **30** Obviously one is half in front, as well—but one picks up the ball and runs with it. (8)

29 See 9

30 See 28

31 See 2 down

DOWN

2 and **31** across Your calling may depend on them, if you don't have a certain number. (9,11)

3 Gave publicity about a short non-drinker, and how he was dressed. (7)

4 See 15 across

5 What the basketball ref is responsible for could be games that are hard to call. (7)

6 A most unusual arrangment for what some scientists are concerned with. (5)

7 They might be made of 4 down, but breakfast and supper, for example, are about what starts the day! (6)

8 The Spanish variety of soap that one gets in Texas. (2,4)

14 What early risers are—but one takes the stair with a little difficulty. (5)

17 Proper dress to those in good condition to show what can be lived with. (9)

19 They used to be pleasant squares, but now may be just shopping centers. (6)

20 Bring back from the remains with what one might find 4 down in. (7)

22 It takes public relations over a bid for this—or to extend a hand out. (7)

23 Can fit some other way, to tell the truth! (2,4)

25 Not the uniform dress of a Muslim official. (5)

27 Certainly not a take-out order. (4)

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K	N	O	T	T	Y	■	S	C	O	R	C	H	E	D
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N	O	B	S	■	C	A	R	U	S	O	■	A	R	C
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